

Attendance Sheets

District	Last Name	Present	Absent	Present/Late
District 14 - Town of Wappinger	Amparo	✓		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner	✓		
District 3 - Town of LaGrange	Borchert	✓		
District 18 - City of Beacon and Town of Fishkill	Farley	✓		
District 6 - Town of Poughkeepsie	Flesland	✓		
District 21 - Town of East Fishkill	Horton	✓		
District 22 - Towns of Beekman and Union Vale	Hutchings	✓		
District 4 - Town of Hyde Park	Ignaffo		✓	
District 15 - Town of Wappinger	Incoronato	✓		
District 10 - City of Poughkeepsie	Jeter-Jackson	✓		
District 9 - City of Poughkeepsie	Johnson	✓		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		✓	✓
District 16 - Town of Fishkill and City of Beacon	MacAvery		✓	
District 17 - Town and Village of Fishkill	Miccio	✓		
District 1 - Town of Poughkeepsie	Nesbitt	✓		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins	✓		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver		✓	
District 8 - City and Town of Poughkeepsie	Rolison	✓		
District 5 - Town of Poughkeepsie	Roman	✓		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano	✓		
District 20 - Town of Red Hook	Strawinski		✓	
District 24 - Towns of Dover and Union Vale	Surman	✓		
District 23 - Towns of Pawling, Beckman and East Fishkill	Thomes	✓		
District 11 - Towns of Rhinebeck and Clinton	Tyner	✓		
District 12 - Town of East Fishkill	Weiss	✓		
Present: 21	Total:	20	34	1
Absent: 4				
Vacant: 0				

Date: 8/10/15

Board Meeting
of the
Dutchess County Legislature

Monday, August 10, 2015

The Clerk of Legislature called the meeting to order at 7:00 p.m.

Roll Call by the Clerk of the Legislature

PRESENT: 20 Amparo, Bolner, Borchert, Farley, Flesland, Horton,
 Hutchings, Incoronato, Jeter-Jackson, Johnson, Miccio,
 Nesbitt, Perkins, Rolison, Roman, Sagliano, Surman,
 Thomes, Tyner, Weiss

ABSENT: 4 Ignaffo, MacAvery, Pulver, Strawinski

PRESENT, LATE: 1 Kelsey

Quorum Present.

Pledge of Allegiance to the Flag; invocation given by Pastor Paul Morrison of Liberty Baptist Church in Fishkill, followed by a moment of silent meditation.

Presentations:

Dutchess County Historical Society on the Great Star Flag of the United States of 1861

Ron Hicks, Deputy Commissioner of Strategic Planning and Economic Development

Commendations:

Commendation: Eagle Scout Daniel Lent

Commendation: Eagle Scout James Andre

The Chairman entertained a motion from the floor, duly seconded, to suspend the rules to allow the public to address the Legislature with respect to agenda items.

Constantine Kazolias, Poughkeepsie, spoke regarding the local law for the airport lease and urged that a Request for Proposal be completed.

No one else wishing to be heard, the Chairman entertained a motion from the floor, duly seconded, to resume the regular order of business.

Chairman Rolison entertained a motion to approve the July 2015 minutes.

The July 2015 minutes were adopted.

COMMUNICATIONS RECEIVED FOR THE AUGUST 2015 BOARD MEETING

Received from County Clerk, Summary of Mortgage Tax collected April 2015 - July 2015.

Received from New York State Department of Taxation and Finance, List of Certified 2015 State Equalization Rates.

Received the following from Dutchess County Comptroller:

Grace Smith House, Inc for January 1, 2014 – December 31, 2014,

Department of Public Works – Aviation Division for January 2014 – December 31, 2014, and

Soil and Water Conservation District for January 1, 2014 – December 31, 2014.

Received from Bernadette Kennedy, New Paltz, letter to Fishkill Town Board regarding the tax exempt status of the Watchtower property.

Received from LaGrange Town Clerk, Proposed Local Law Amending in its Entirety Section 240-88, "Engineering, Legal and Consulting Fees", of the LaGrange Town Code.

Received from Trustco Bank, letter regarding a business checking account.

Received from Pawling Town Clerk, Notice of Public Hearing regarding Proposed Local Law 2 of 2015, Prohibiting Certain Sump Pump and Other Discharges into the Village and Town of Pawling Joint Sanitary Sewer System.

Received from William Wittenhagen, Staatsburg, email requesting support for the New York State Fair Repair Bill.

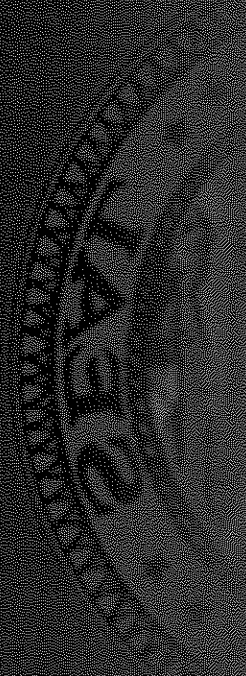
Received the following from New York State Department of Public Services:

Letter regarding Case 14-C-0370, In the Matter of a Study on the State of Telecommunications in New York State, and notice of six public meetings to solicit comments from stakeholders,

Letter regarding Case 14-C-0370, In the Matter of a Study on the State of Telecommunications in New York State, and notice of three additional public meetings to solicit comments from stakeholders

Received from Food Industry Alliance of New York State Inc., letter in support of enhancing existing reduce, reuse, and recycle efforts consistent to state law.

Received from County Executive Molinaro, letter to state Assembly and Senate representatives regarding payment of community college chargebacks.

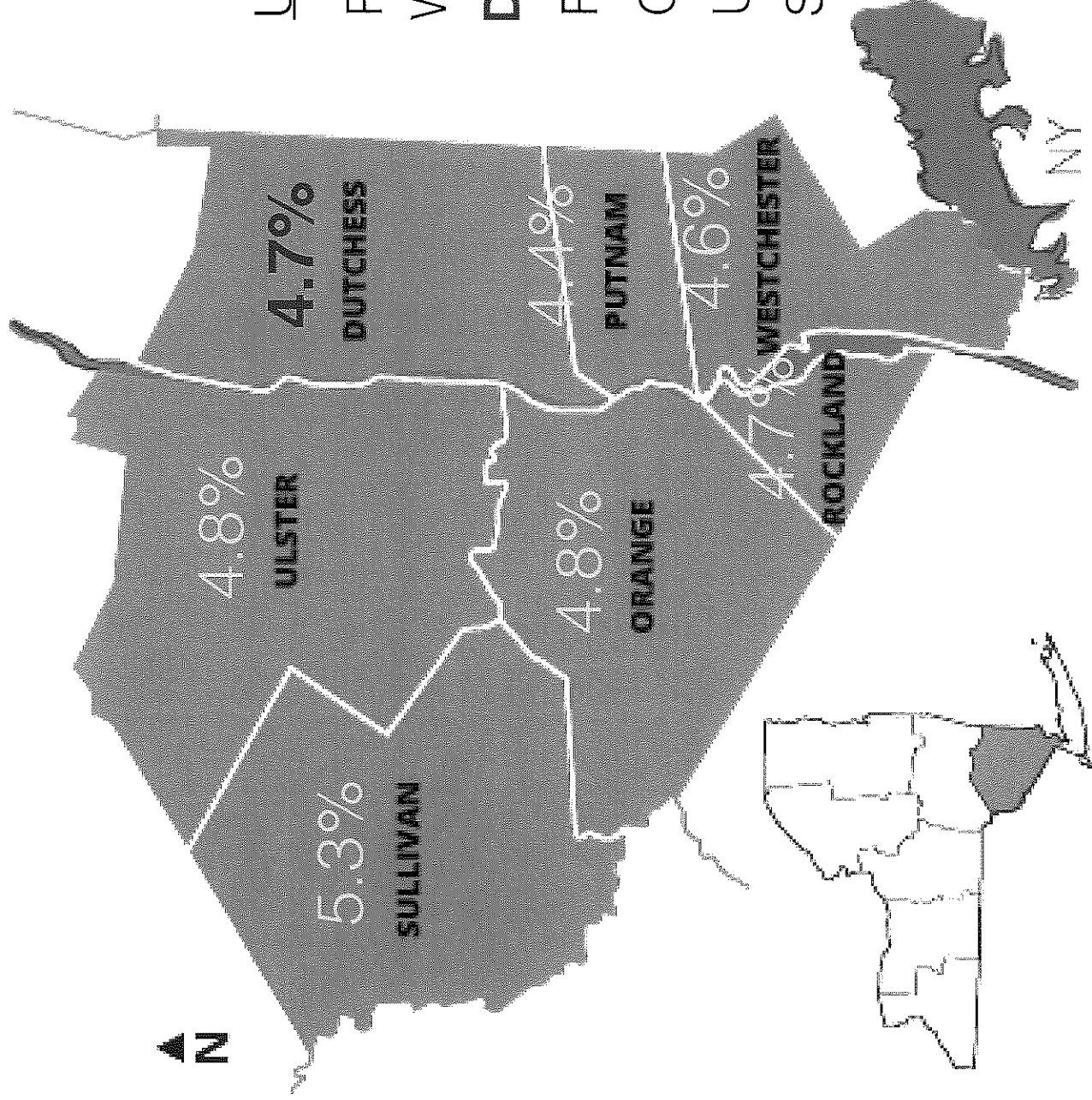


Presentation to the Legislature

August 10th 2015

1. Economic Activity
2. Consolidation & Reform
3. New Identity
4. Marketing and Promotion

Economic Activity



Unemployment Rates

Putnam

Westchester

Dutchess

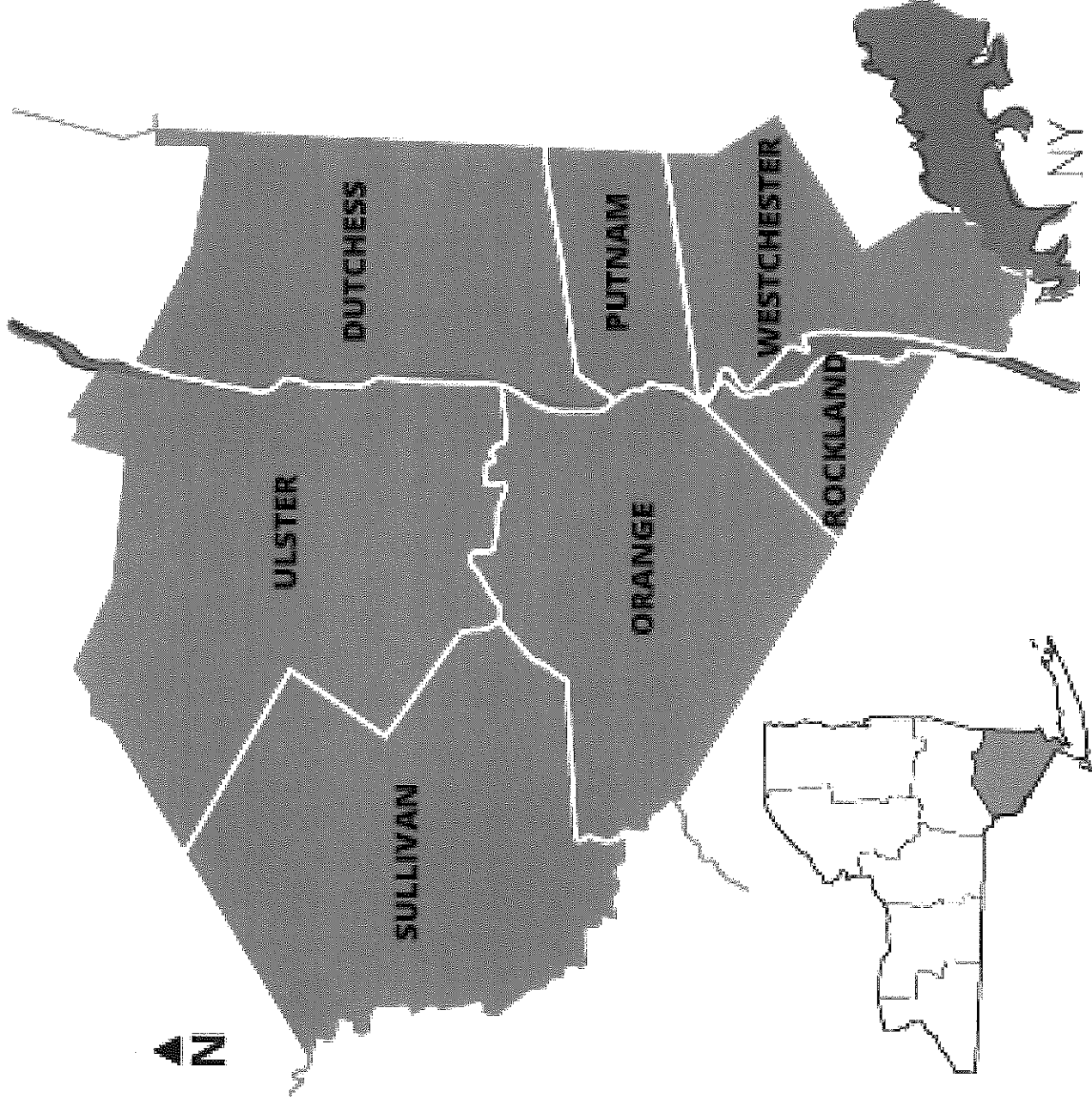
Rockland

Orange

Ulster

Sullivan

Economic Activity



Dutchess

Orange

Ulster

Highest % of Bachelors +

Lowest Poverty Rate

Highest Per Capita Income

Highest Median Income

Highest in Home Value

Highest in Home Ownership

Economic Activity

Challenges

Aging Workforce

Difficulty Keeping and Attracting Millennials
Perceptions

2015	Total NonFarm	Total Private	Labor Force	Employed	Unemployed
January	700	900	187500	177300	10,100
February	2400	1400			
March	1500	1300			
April	900	900			
May	900	1200			
June	-400	-500	193800	184800	9000
Net Job Gain	6000	5200	6300	7500	-1100

Skills Gap

Out-commutation

Limited Housing Options
Perceptions

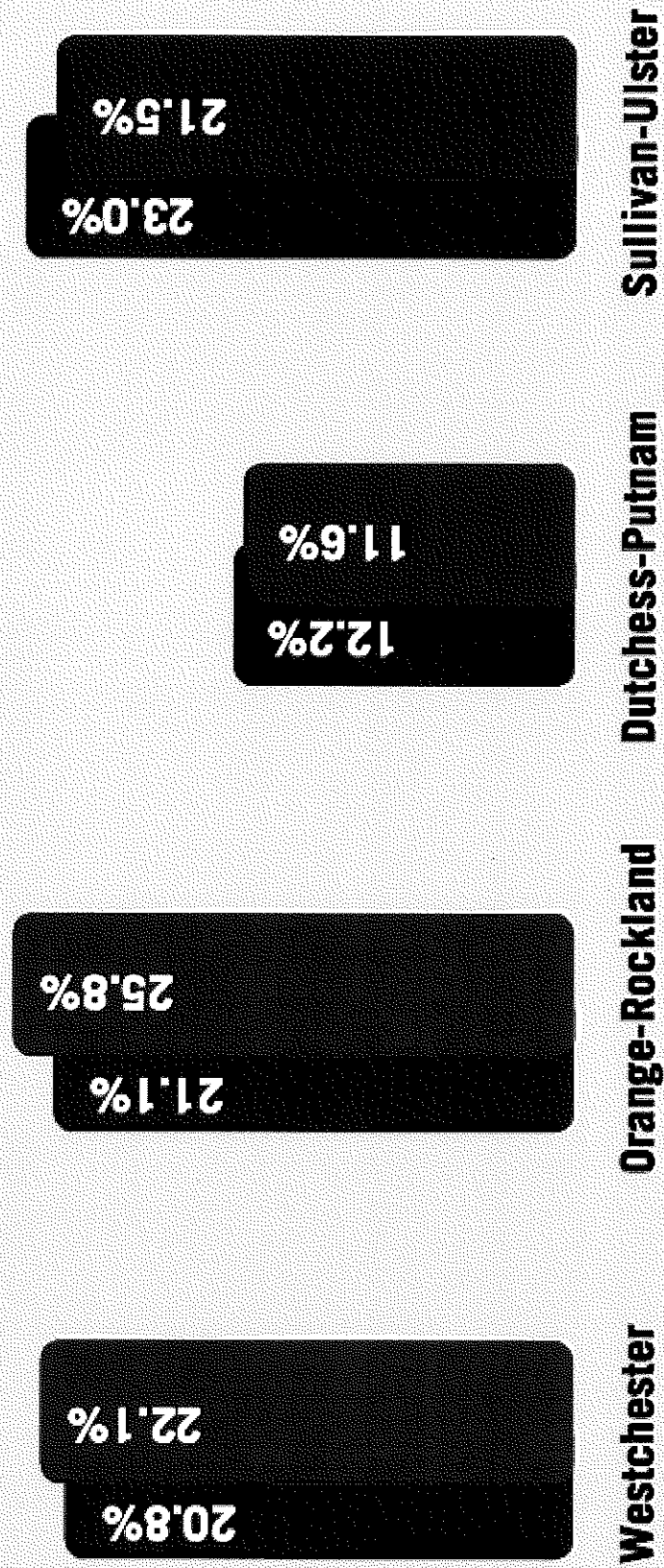
June 2015 - NYS DOL:

1,313 Job Openings

In Dutchess County

Office vacancy rate by market

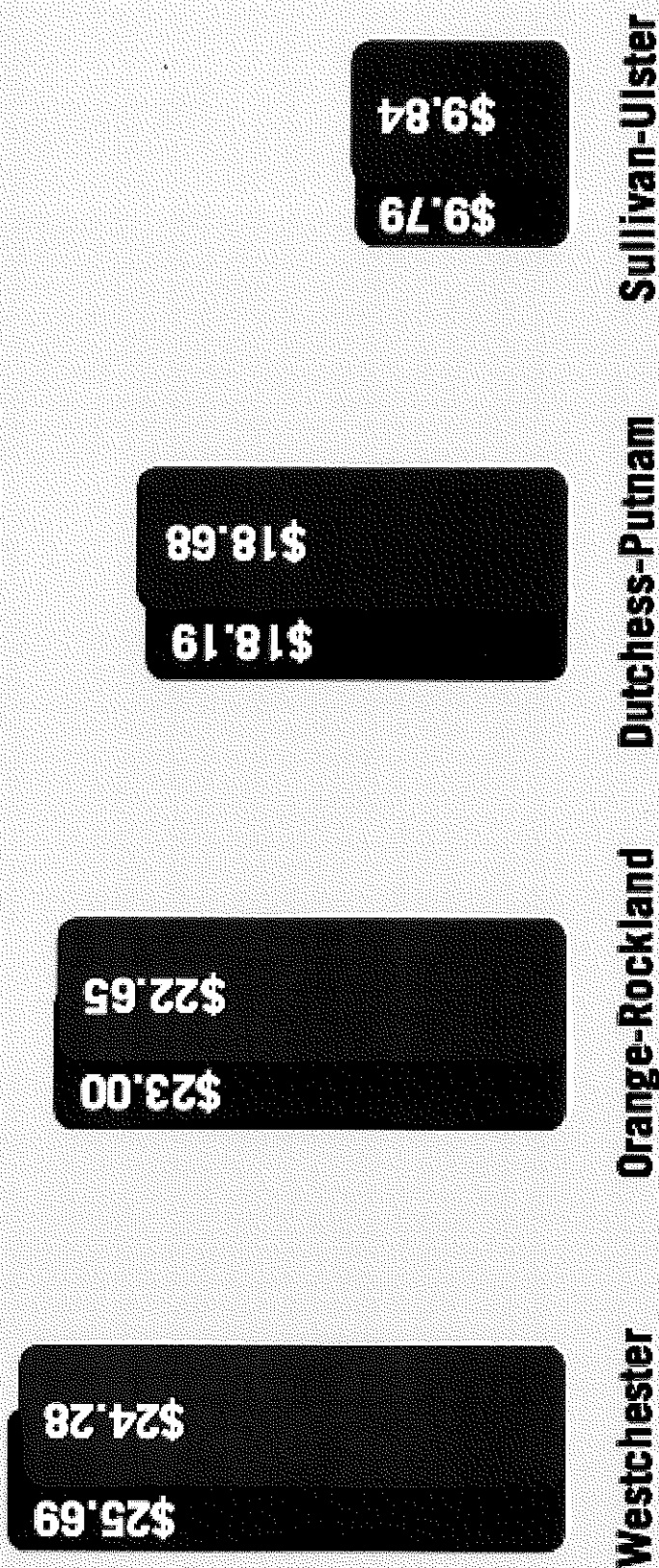
■ Q2 2014 ■ Q2 2015



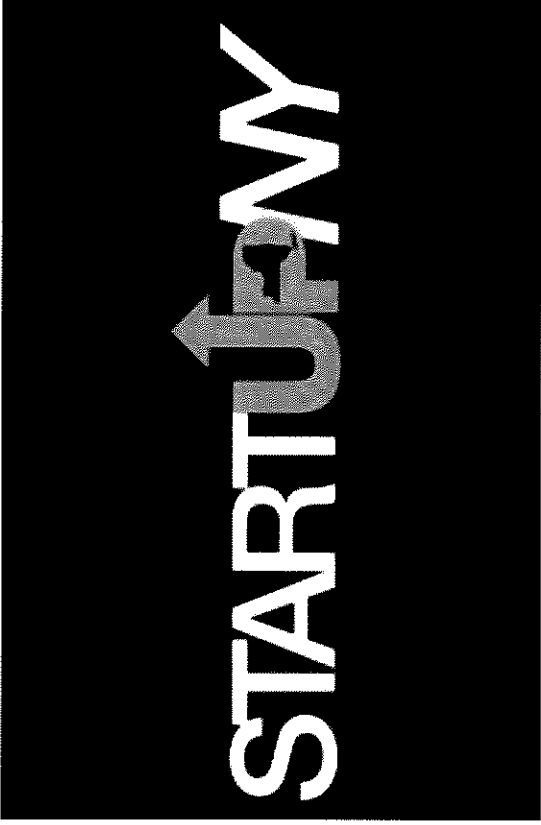
*Dutchess-Putnam has the lowest vacancy rate in the region, and the rate decreased over the same period in 2014, which indicates growth

Asking commercial rent (cost per square foot) by market

■ Q2 2014 ■ Q2 2015



*Dutchess-Putnam asking commercial rent ticked up over the same period last year, which indicates growth



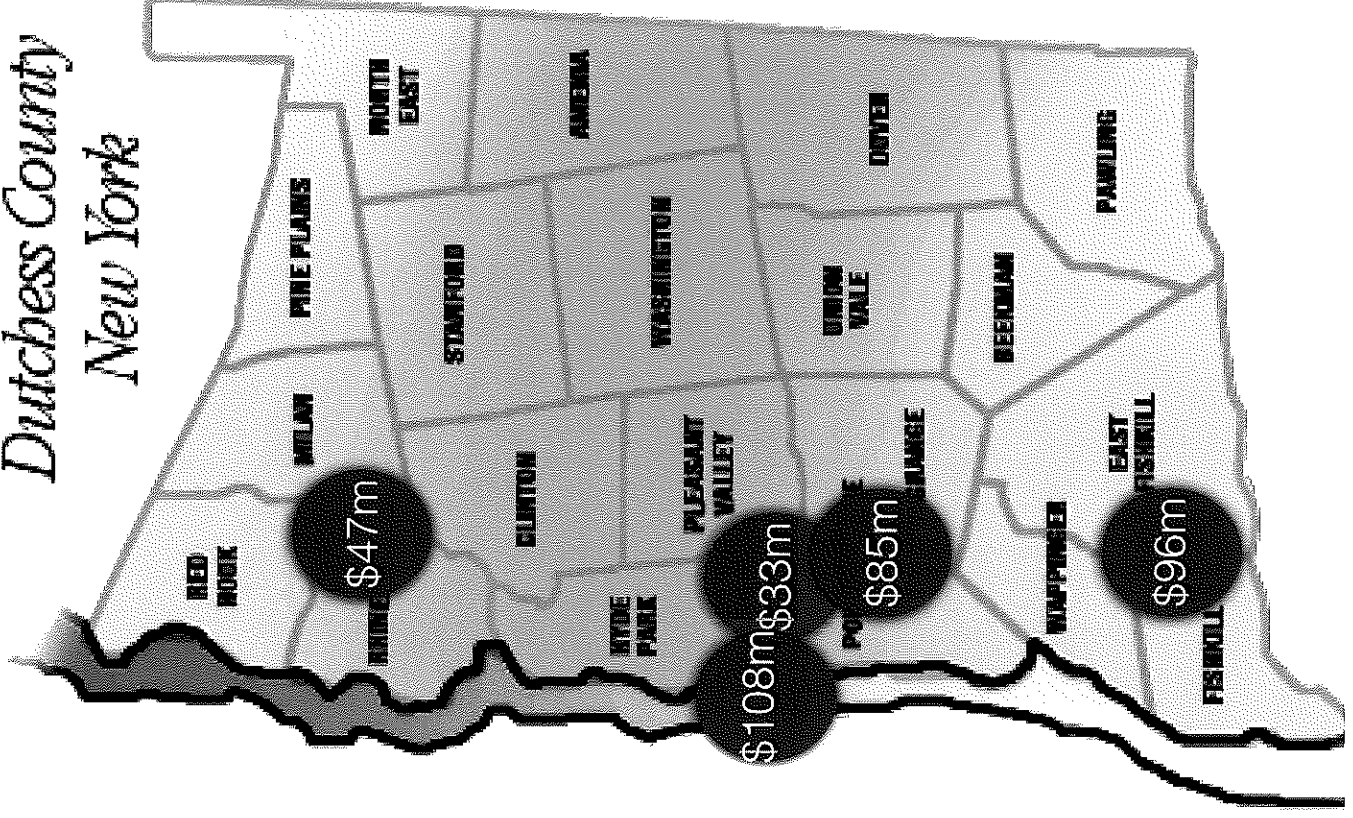
NYS had approved DCC's application to expand their aviation curriculum to include an Airframe Maintenance Parts (AMP) program

1. Provide students with more education and training opportunities
2. Attract aircraft maintenance facilities
3. Create high paying aviation related jobs

Major Projects Under Construction

* over \$30 million

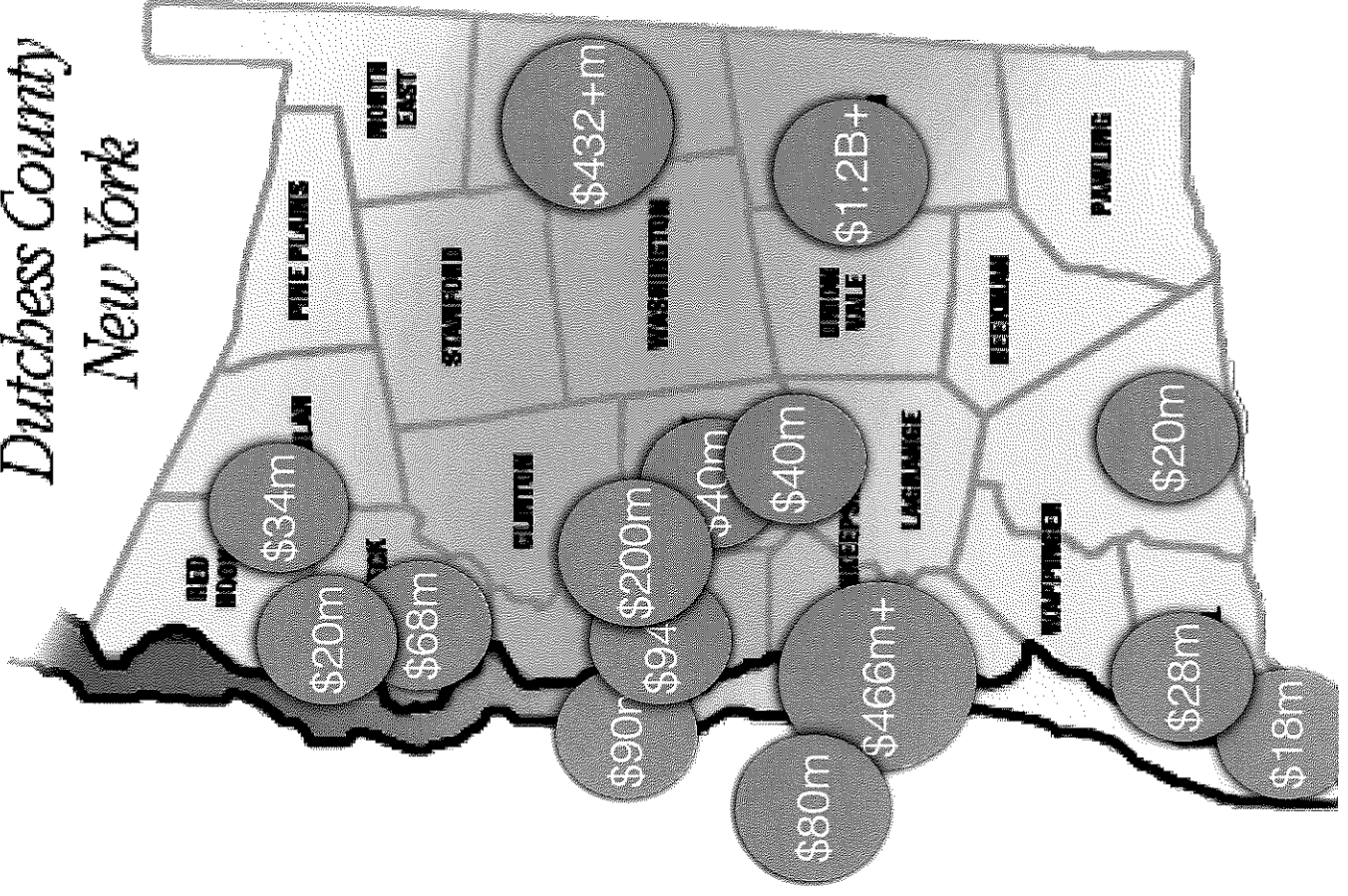
*Dutchess County
New York*



Major Projects in Planning or Permitted

* over \$18 million

Dutchess County New York



\$2,830,000,000



Dutchess County Economic Development Corporation

Dissolution Update

- DCEDC Voted to Dissolve
April 30th
- Resolution and Dissolution Plan submitted to the State
Process takes 6-9 months. Expect a ruling on non-asset dissolution any day
- Began Rebranding Process for the LDC
- Transfer of assets and staff to the Local Development Corporation
On target for 09/01/2015
- Terminate DCEDC contract with the County and finalize contract between the County and the LDC
On target for 09/01/2015

Consolidation

- Launch Economic Development Advisory Council
On target for 10/2015
- Consolidate into new space
Delayed 30 days (11/01/2015) - IDA/LDC, WIB, WEDC and satellite space for SBDC, CC, DCC and PTAC

IDA Reform

- More Diverse Board
- Implementing Best Practices
- Performance Based Incentives
- Performing First Recapture

Identity Development Team

Dutchess County Regional Chamber of Commerce

Frank Castella

Dutchess County Tourism

Mary Kay Vrba

Dutchess Community College

Virginia Stoeffel

Mid-Hudson Small Business Development Center

Arnaldo Sehwerert

Dutchess County Workforce Investment Board

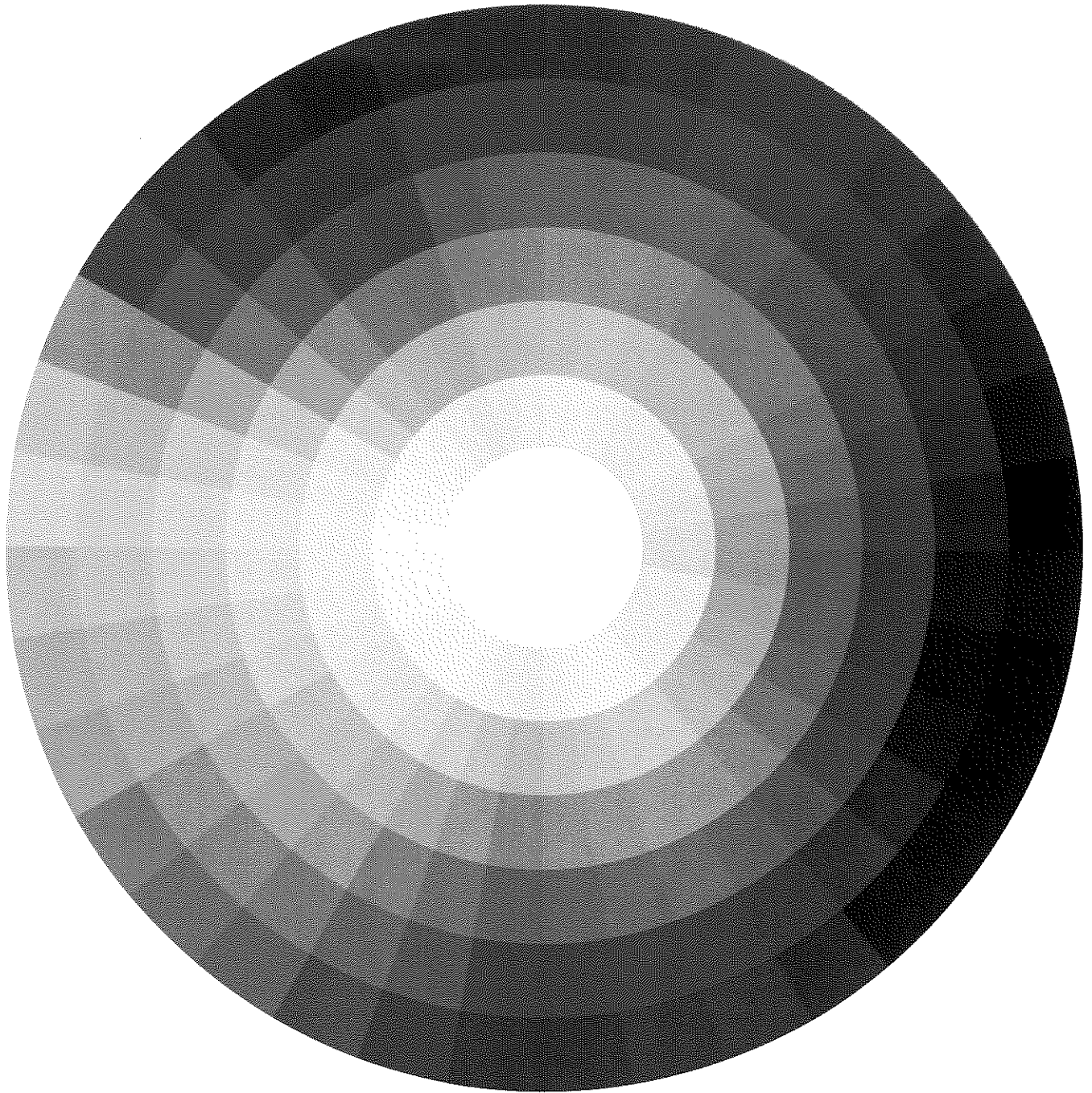
Laraine Kautz

Dutchess County Economic Development

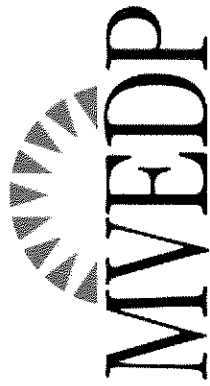
Sarah Lee and Don Minichino

Dutchess County

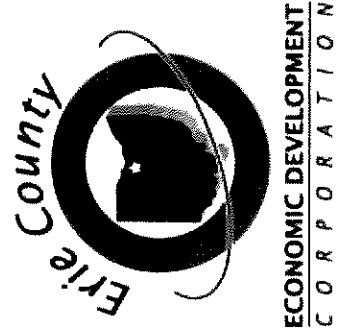
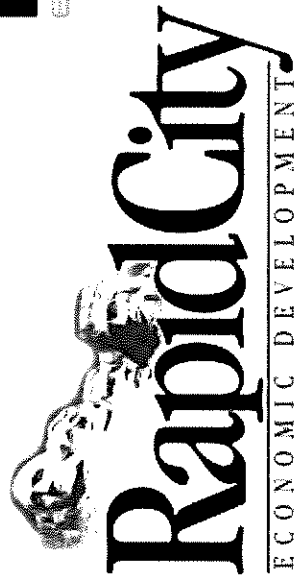
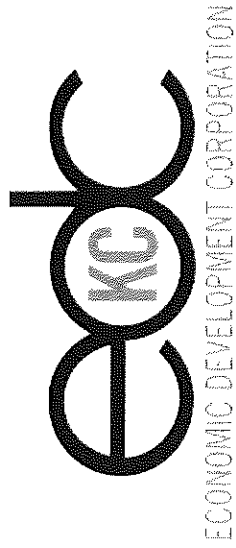
Ron Hicks



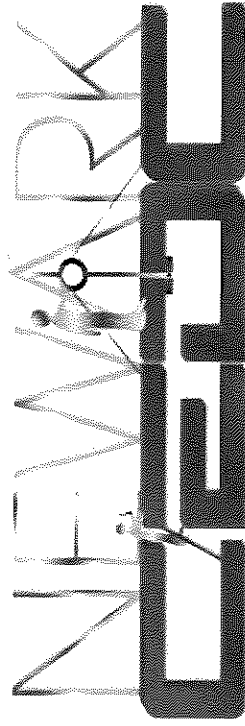
Aachen	Clarendon	Gothic No 2	Pump
Aldine 721	Clearface	Goudy	<i>Quill</i>
Americana	Cloister	Goudy Old Style	Raleigh
AmerType	Comic Sans	Handel Gothic	Raphael
Antique Olive	<i>Commercial</i>	Helvetica	<i>Ribbon 131</i>
Arial	Compacta	Hobo	Rockwell
Artercraft	Compressed	HOTDOG	Roven
AURORA	COMPUTER	Impact	Sabon Symposia
Autopista	Cooper Black	Imperial	Seagull
Avant Garde	COPPERPLATE	Kabel	Serifa
Baker Signet	Courier New	Klass	Shape
BALLON	<i>Curlz</i>	Korinna	<i>Shelly Allegro</i>
BANK GOTHIC	<i>Dauphin</i>	Kristen	SHOT
Baskerville	DAVIDA	Laddy	Signature
Bauhaus	DECO	LIBRA	Souvenir
Belwe	Della Robbia	Life	Square 721
Bengal	Den Casual	Lit	STENCIL
Bengi	<i>Demise</i>	LITHOGRAPH	Stymie
Benguiat	English Times	Lubalin	Superior
<i>Black-Chancery</i>	Eras	Lucian	Tahoma
BLOOM	Eurostile	Lucida Sans	<i>Tango</i>
Bodoni	EXPO	Lydian	Tarry
Bookman	<i>Fancy</i>	MARCH	Tempus Sans
<i>Bradley Hand</i>	<i>Fancy Tee</i>	Microgramma	THE UNDER
Branding Iron	<i>Fleer</i>	Mirarae	Times New Roman
BREMEN	Folio	<i>Michael</i>	Trebuchet
Broadband	Forecast	<i>Matney</i>	<i>Tropes</i>
Broadway	Formal Script 421	Musketer	Unical
<i>Brush</i>	Fortune	Novarese	University
BUSORAMA	Franklin	Nuevo	Velvet
Camelot	Friz Quadrata	Old Bell	Verdana
Candida	Frutiger	<i>Old English</i>	<i>Ornaldi</i>
Caslon Adbold	Futura	Optima	Wide
Caslon 540	Garamond Bold	Palatino	Windsor
Century	Garth Graphic	<i>Papyrus</i>	YEARBOOK
Century Gothic	Gern	<i>Park Avenue</i>	Zapf Book
Century 725	Geometric 931	Peignor	<i>Zapf Chancery</i>
CHARLOTTE	Georgia	Perpetua	Zarana
Charter	Gill Sans	Pontiflex	Zurich



THE PARTNERSHIP



Accredited Economic Development Organization



Business & Commercial Aviation

SIT Selection

AREA DEVELOPMENT
Which are the top States for doing business?

Survey: Leading Consultants Pick Their Top State Choices in 12 General Location Categories

Jack Lyne

WIRED
Deep in the Utah desert, the National Security Agency is

CRAIN'S
NEW YORK BUSINESS

Albany may move on big issues

ON THE AGENDA

NY firms chasing Persian Gulf riches

Music biz faces new realities

NY firms chasing Persian Gulf riches

Albany may move on big issues

ON THE AGENDA

NY firms chasing Persian Gulf riches

Business & Commercial Aviation

SIT Selection

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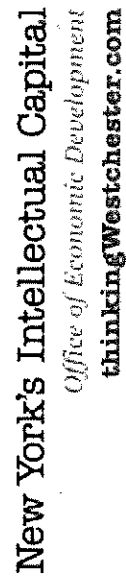
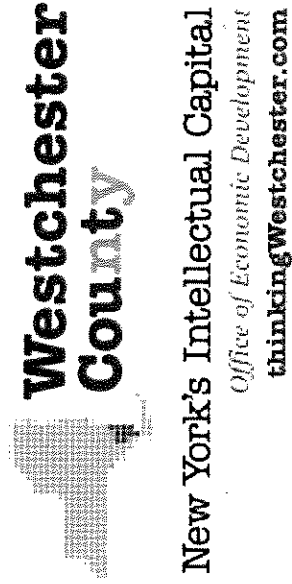
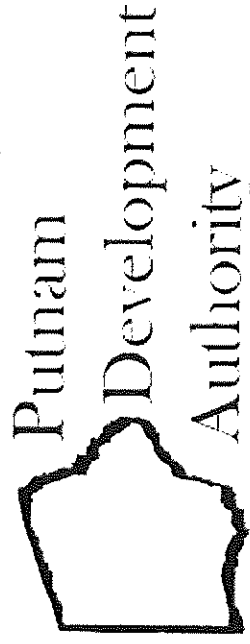
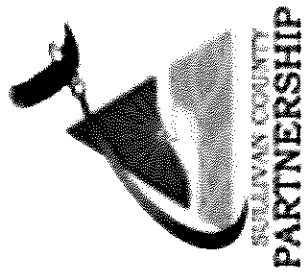
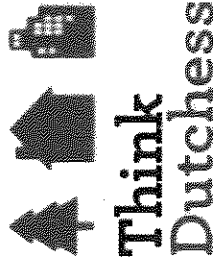
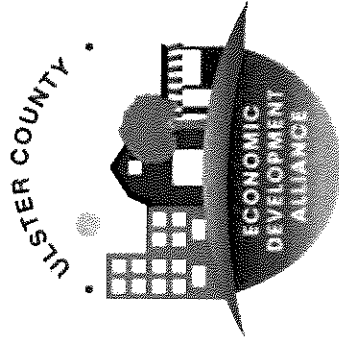
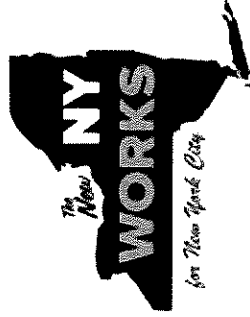
Music biz faces new realities

NY firms chasing Persian Gulf riches

Albany may move on big issues

ON THE AGENDA

NY firms chasing Persian Gulf riches



New York City Economic Development Corporation



Dutchess County Economic Development Corporation

Logo that could stand on its own
Maintain some of our existing identity
Something “edgy”

Logo that could be shared

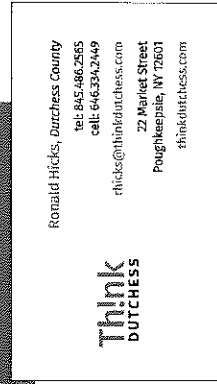
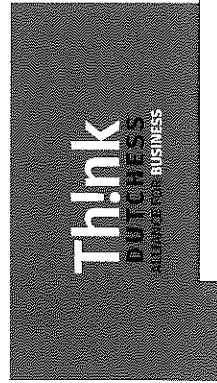
Logo that could be further developed for targeted efforts

Think **DUTCHES** **ALLIANCE FOR BUSINESS**

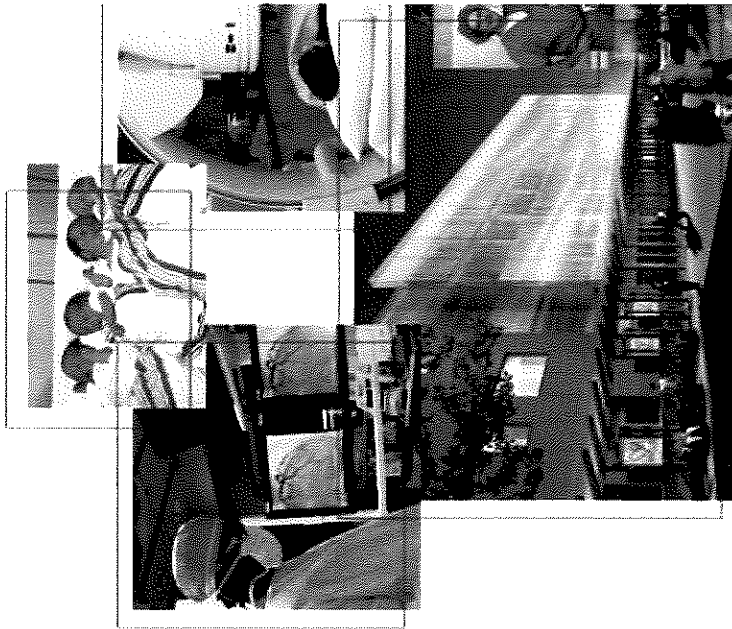
Think DUTCHESS ALLIANCE FOR BUSINESS

Think
DUTCHESS
ALLIANCE FOR BUSINESS

Logo Application



The Foundation for Vassar Brothers Medical Center



Think
BUSINESS

Think
DUTCHESS

Menus of Change™

The Business of Healthy, Sustainable, Delicious Food Choices

June 9-11, 2014

2nd Annual National Leadership Initiative

The Charles Hotel, Cambridge, MA
www.menusofchange.org

Food and foodservice industry leaders are facing numerous challenges today: the rising costs of food, demands to improve the health of their customers and the environmental profile of their products, plummeting food waste, "food fraud," "processed foods," and "corporate food and agriculture," increasing risks to brand reputation in a globalized supply chain, the complexity of serving an increasingly diverse population with differing preferences and attitudes, and the overall declining effectiveness of current business models.

As we move further into the 21st century, chefs and culinary leaders are poised to assume a larger, pivotal role in integrating key imperatives of taste, health, the environment, business, and economics.

Menus of Change: The Business of Healthy, Sustainable, Delicious Food Choices is a ground-breaking leadership initiative that works to create a long-term, practical vision for the integration of optimal nutrition and public health, environmental stewardship and restoration, and social responsibility within the foodservice sector and beyond.

The initiative includes annual leadership summits and reports that focus on the creation of new business strategies and models to support successive stages of integration and entrepreneurship. This initiative also helps shape the college's approach to educating the next generation of culinary and business leaders.

WHO WILL BE THERE

Our second annual leadership summit will include an assembly of 300+ pioneers, including corporate and executive chefs and F&B executives from various foodservice operations including chain restaurants, contract businesses, hotels, urban dining, and supermarkets, plus practitioners of corporate social responsibility, sustainability, marketing, and strategic leaders from academic, environmental, government agencies, and non-governmental organizations working on sustainable food issues, scientific and technical leaders with expertise in nutrition, public health, and environmental health, and members of the media from leading trade and business publications.

Support Levels	
Preserving	\$100,000
Grand Patron	\$75,000
Patron	\$50,000
Premium Gold	\$40,000
Gold	\$30,000
Platinum	\$20,000
Copper	\$15,000
Corporate	\$5,000

"Menus of Change: The Business of Healthy, Sustainable, Delicious Food Choices" is the largest leader in organized food service industry. The initiative has a track record of positive, ongoing work and public interest at the top of the agenda, engaging all stakeholders and making our industry flourish. I am honored to be a part of this great changing initiative that will benefit so many."

Mark, James
VILE PRESIDENT SUSTAINABILITY & QUALITY INITIATIVES
COMBIA GROUP

DUTCHESS COUNTY ECONOMIC DEVELOPMENT CORPORATION THINK DUTCHESS 845.463.5400

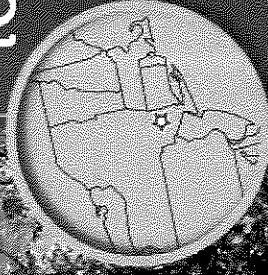
Locate Your Business
in Dutchess CountyGrow Your Business
in Dutchess County

Financing Incentives

Workforce Site Selection

Data &
DemographicsVisit
Dutchess County

About News Contact

Think Dutchess for
location.Ideally situated
midway between
New York City
and Boston
Read more...

Q Search

Looking for Property?

Property Type:

Any

Transaction:

Any

Square Feet

Any

Acreage:

Any

Welcome to Dutchess County Economic Development Corporation

DCEDC is the central point of contact for business development needs and activities in Dutchess County. It's a business-led, nationally recognized economic development corporation, whose mission is to attract, retain, and expand for-profit and not-for-profit businesses for the benefit of Dutchess County. DCEDC's organizational structure includes programs in:

- Business retention, expansion and attraction
- Dutchess County Data and Business Resources
- Empire Zone Administration
- Industrial Development Agency (IDCA) liaison
- Local Development Corporation (DCLDC) liaison
- Financial counseling and deal structuring

Latest News

Big projects offer vision for Poughkeepsie --
Poughkeepsie Journal, 6/11/15

June 18 CFA-URI Information Session at
Marist College

Main Street Economic Development Strategy
Public Outreach

Spotlight on Local Business

DUTCHESS COUNTY ECONOMIC
DEVELOPMENT CORPORATION CAN

Think DUTCHNESS

ALLIANCE FOR BUSINESS

Think Ahead... What's Your Next Step?

Start
a Business
in Dutchess

Expand
Your Business
in Dutchess

Locate
Your Business
in Dutchess

Think DUTCHNESS

ALLIANCE FOR BUSINESS



Think Ahead...
What's Your Next Step?



Start a Business in Dutchess

Donec ultrices, velit vel convallis rutrum, est nulla volutpat mi, in sagittis nulla leo quis est. Etiam efficitur eros ut consectetur lobortis. Salutat intellegat ad sed, in has equidem ornittam, lobortis atomorum pro id. Eu soleat offendlit per, et porro decore latine ius. Cum at suas stet intellegam, est ut sale accusamus reprehendunt.

Marketing Campaign

- Photography, Video and Drone Footage of Assets
- Welcome Video, Broker Tour Video, Targeted Videos
- Think Dutchess Publication
- Targeted Ads
- Targeted Splash Pages
- Targeted Literature
- Social Media - Constant Contact Updates
- Trade Shows and Conferences for Targeted Industries

Think **DUTCHES** **ALLIANCE FOR BUSINESS**

RESOLUTION NO. 2015198

RE: REQUESTING THE NEW YORK STATE DEPARTMENT OF
TRANSPORTATION ABANDON LANDS ON EAST SIDE OF US
ROUTE 9, SH 5154, IN THE TOWN OF WAPPINGER TO COUNTY
OF DUTCHESS

Legislators HUTCHINGS, BOLNER, INCORONATO, MAC AVERY, and
FARLEY offer the following and move its adoption:

WHEREAS, the State of New York Department of Transportation has
maintenance jurisdiction over a .667 of an acre, more or less, parcel of land for state highway
purposes located on a portion of US Route 9, SH 5154, Town of Wappinger,

WHEREAS, said parcel of land is no longer needed or useful to the New York
State Highway System, and

WHEREAS, the County of Dutchess owns the .667 acre, more or less, of US
Route 9 in fee, now, therefore be it

WHEREAS, New York State Highway Law Section 10(32) authorizes the
Commissioner of Transportation, upon proper request, to abandon a State Highway, or portion
thereof, to a municipality, when such parcel is no longer needed by, or useful to the State
Highway System, and

RESOLVED, that the Dutchess County Legislature, pursuant to the New York
State Highway Law Section 10(32), does hereby request the New York State Commissioner of
Transportation abandon to the County of Dutchess that portion of the east side US Route 9, SH
5154, Town of Wappinger, as set forth on the attached map.

CA-120-15
CAB/kvh R-0947
7/2/2015
Fiscal Impact: See attached statement

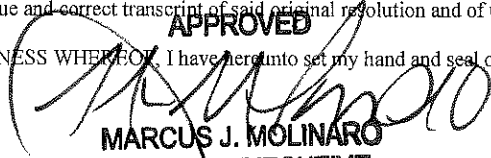
Date
MARCUS J. MOLINARO
COUNTY EXECUTIVE

STATE OF NEW YORK
ss:
COUNTY OF DUTCHESS

APPROVED

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution
with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and
that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.


MARCUS J. MOLINARO
COUNTY EXECUTIVE


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Date

8/14/2015

FISCAL IMPACT STATEMENT

☒ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 0

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one): ☐ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☒ Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): \$ 0

Over Five Years: _____

Additional Comments/Explanation:

This Fiscal Impact Statement pertains to the accompanying resolution request, requesting the New York State Department of Transportation abandon a 0.667 +/- parcel of land located on US Route 9, SH 5154, to the County of Dutchess, as shown on the accompanying map.

Prepared by: Matthew W. Davis

2929



Department of Transportation

ANDREW M. CUOMO
Governor

JOAN McDONALD
Commissioner

WILLIAM J. GORTON, P.E.
Regional Director

June 18, 2015

Robert Balkind, P.E.
Deputy Commissioner
Dutchess County Department of Public Works
626 Dutchess Turnpike
Poughkeepsie, NY 12603

Re: SPCN 08-III 2132
Release of Maintenance and Jurisdiction
to Dutchess County
Fishkill Village-Wappinger Falls, SH 5154
Contrail LLC
Town of Wappinger, Dutchess County

Dear Mr. Balkind:

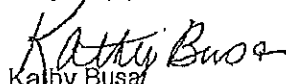
The Regional Director has approved the Department releasing maintenance and jurisdiction on a portion of county-owned right of way, located on the east side of Route 9, just north of Stage Door Road and adjacent to the property owned by Contrail LLC. The Department will retain 30' from the edge of the Route 9 shoulder and 10' around culvert headwalls. No access to Route 9 from the area to be released will be permitted.

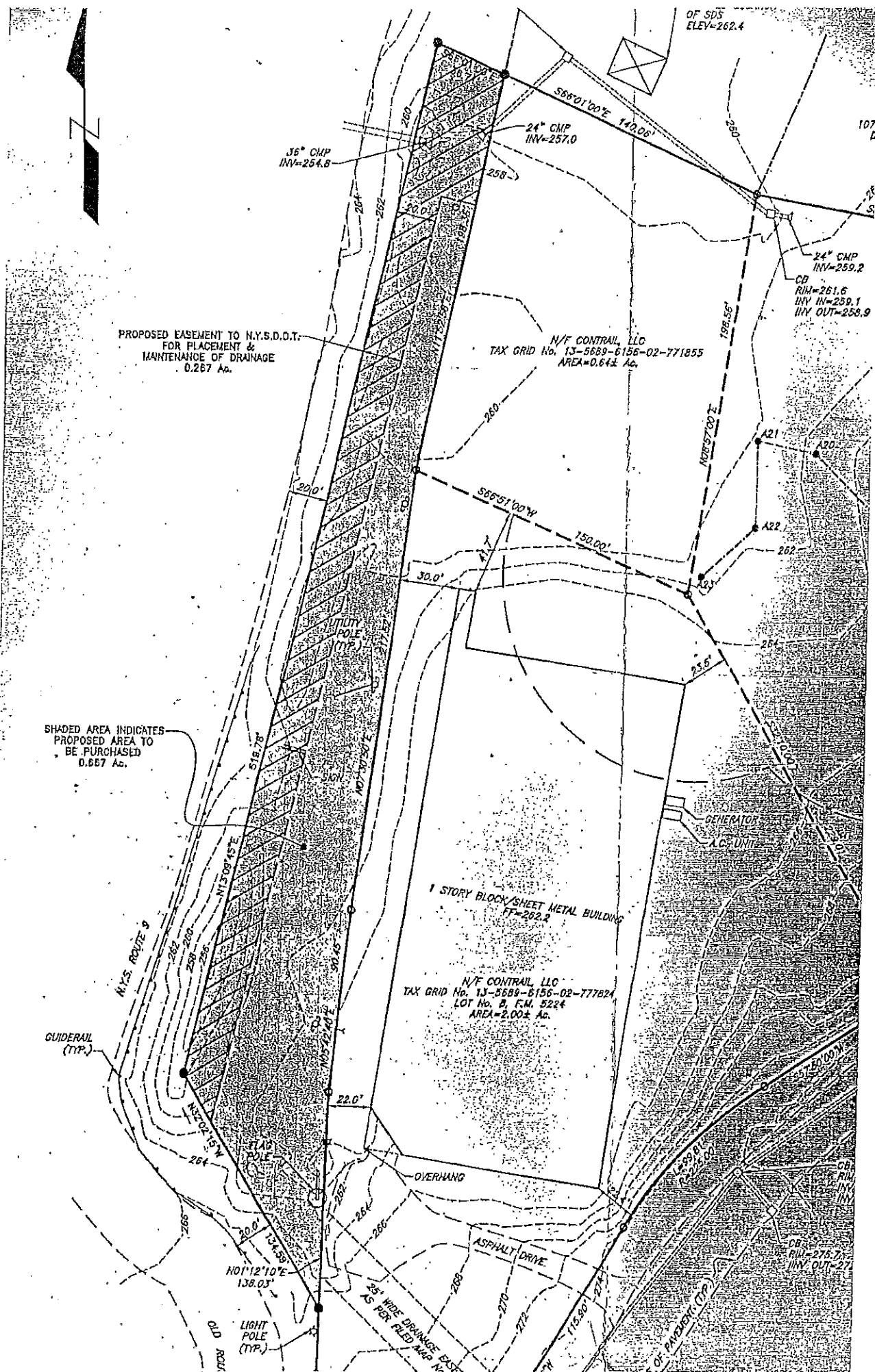
The request still requires approval by our Property Executive Review Group (PERG) in Albany. In order to progress the case to PERG, we are asking for the preparation of a preliminary conveyance map. Tony Sidote of our Right of Way Mapping Group can be contacted at 845-431-5814 for information on the map preparation.

We will also require a resolution for this action from the Dutchess County Legislature.

Please contact me at 845-437-3392 with any questions.

Very truly yours,


Kathy Busa
Real Estate Specialist 2



Public Works and Capital Projects Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 15 - Town of Wappinger	Incoronato (VC)		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
District 22 - Towns of Beekman and Union Vale	Hutchings (C)		

Present: 10
 Absent: 2
 Vacant: 0

Resolution: ✓
 Motion:

Total : 10 0
 Yes No
 Abstentions: 0

2015198 REQUESTING THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
 ABANDON LANDS ON EAST SIDE OF US ROUTE 9, SH 5154, IN THE TOWN OF
 WAPPINGER TO COUNTY OF DUTCHESS

Date: August 6, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	<i>absent</i>	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
District 20 - Town of Red Hook	Strawinski	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		

Present: 21

Absent: 4

Vacant: 0

Resolution: ✓

Motion:

Total : 21 0

Yes No

Abstentions: 0

**2015198 REQUESTING THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION
ABANDON LANDS ON EAST SIDE OF US ROUTE 9, SH 5154, IN THE TOWN OF
WAPPINGER TO COUNTY OF DUTCHESS**

Date: August 10, 2015

RESOLUTION NO. 2015199

RE: DECLARING DUTCHESS COUNTY LEAD AGENCY FOR PURPOSES OF MAKING A FINDING OF ENVIRONMENTAL SIGNIFICANCE IN CONNECTION WITH THE INSTALLATION OF A 2.473 Mw GROUND MOUNTED PHOTOVOLTAIC ARRAY SYSTEM AT THE DUTCHESS COUNTY AIRPORT

Legislators MICCIO, SURMAN, ROLISON, BOLNER, STRAWINSKI, PERKINS, JETER-JACKSON, SAGLIANO, WEISS, BORCHERT, INCORONATO, HORTON, IGNAFFO, FLESLAND, SURMAN, and FARLEY offer the following and move its adoption:

WHEREAS, the Dutchess County Department of Public Works is considering installation of a 2.473 Mw ground mounted Photovoltaic Array System on a portion of the land located in an open field along the eastern side of Route 376 at the Dutchess County Airport, and

WHEREAS, Dutchess County has identified the involved action as an Unlisted Action and the County has prepared a Full Environmental Assessment Form (FEAF) for the project, and

WHEREAS, Dutchess County has circulated Part 1 of the FEAF to the other identified involved agencies, namely the New York State Department of Transportation and New York State Energy Development Agency, and

WHEREAS, 6 NYCRR 617.b.4 requires the designation of a lead agency from among any involved agencies before a determination of significance can be made, and

WHEREAS, a determination of significance must be made before project can commence, and

WHEREAS, it is the purpose of this resolution to formalize and establish Dutchess County as the lead agency for the review of the above-referenced project pursuant to the New York State Environmental Qualify Review Act, now therefore, be it

RESOLVED, that Dutchess County hereby assumes lead agency status for the installation of a 2.473 Mw ground mounted Photovoltaic Array System project at the Dutchess County Airport.

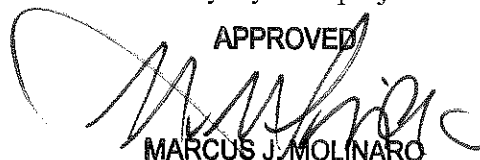
CA-130-15
CAB/kvh/G-1602
7/16/15

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

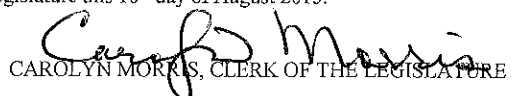
COUNTY OF DUTCHESS

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 8/14/2015

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☒ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds *(check one)*: ☐ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

The involved resolution would adopt SEQR findings for the construction of a solar array on the Dutchess County Airport.
The finances involved will be addressed in the associated contract.

Prepared by: Brad Barclay

Prepared On: 7/14/15

Discussion on Resolution No. 2015199, resulted as follows:

Legislator Tyner made a motion to add the following:

RESOLVED, that the Dutchess County Legislature request that the Dutchess County Department of Public Works issue Request for Proposals for a no money down power purchase agreement for all county properties in Dutchess County.

The foregoing amendment failed for lack of a second.

The foregoing resolution was unanimously adopted with Legislators MacAvery, Ignaffo, Pulver, and Strawinski being absent.

Environment Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 3 - Town of LaGrange	Borchert		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 14 - Town of Wappinger	Amparo		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver (VC)	<i>absent</i>	
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey	<i>absent</i>	

Present: <u>9</u>	Resolution: <u>✓</u>	Total : <u>9</u> <u>0</u>
Absent: <u>3</u>	Motion: <u> </u>	Yes No
Vacant: <u>0</u>		Abstentions: <u>0</u>

2015199 DECLARING DUTCHESS COUNTY LEAD AGENCY FOR PURPOSES OF MAKING A FINDING OF ENVIRONMENTAL SIGNIFICANCE IN CONNECTION WITH THE INSTALLATION OF A 2.473 Mw GROUND MOUNTED PHOTOVOLTAIC ARRAY SYSTEM AT THE DUTCHESS COUNTY AIRPORT

Date: August 6, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	<i>absent</i>	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
District 20 - Town of Red Hook	Strawinski	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		

Present: 21

Absent: 4

Vacant: 0

Resolution: ✓

Motion: ✓

Total : _____

Yes _____ No _____

Abstentions: _____

Legislator Tyner moved the foregoing amendment:

RESOLVED, that the Dutchess County Legislature requests that the Dutchess County Department of Public Works issue Request for Proposals for a no money down power purchase agreement for all county properties in Dutchess County

AMENDMENT FAILED FOR LACK OF A SECOND.

2015199

8-10-15

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison	✓	
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	absent	
District 1 - Town of Poughkeepsie	Nesbitt		
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District 15 - Town of Wappinger	Incoronato		
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District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	absent	
District 20 - Town of Red Hook	Strawinski	absent	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		
Present: <u>21</u>	Resolution: <u>✓</u>	Total: <u>21</u>	<u>0</u>
Absent: <u>4</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015199 DECLARING DUTCHESS COUNTY LEAD AGENCY FOR PURPOSES OF MAKING A FINDING OF ENVIRONMENTAL SIGNIFICANCE IN CONNECTION WITH THE INSTALLATION OF A 2.473 Mw GROUND MOUNTED PHOTOVOLTAIC ARRAY SYSTEM AT THE DUTCHESS COUNTY AIRPORT

Date: August 10, 2015

RESOLUTION NO. 2015200

RE: AUTHORIZE ADOPTION OF FULL ENVIRONMENTAL ASSESSMENT FORM AND NEGATIVE DECLARATION IN CONNECTION WITH THE INSTALLATION OF A 2.473 Mw GROUND MOUNTED PHOTOVOLTAIC ARRAY SYSTEM AT THE DUTCHESS COUNTY AIRPORT

Legislators MICCIO, SURMAN, ROLISON, BOLNER, STRAWINSKI, PERKINS, JETER-JACKSON, SAGLIANO, WEISS, BORCHERT, FLESLAND, SURMAN, INCORONATO, HORTON, and FARLEY offer the following and move its adoption:

WHEREAS, the Dutchess County Department of Public Works is considering installation of a 2.473 Mw ground mounted Photovoltaic Array System (Solar Array System) on a portion of the land located in an open field along the eastern side of Route 376 at the Dutchess County Airport, and

WHEREAS, Dutchess County has identified the involved action as an Unlisted Action and intends to declare itself Lead Agency in the companion resolution of the involved action, and

WHEREAS, the Legislature has reviewed the Full Environmental Assessment Form for the involved action, a copy of which is attached, that was provided by the Department of Public Works and agrees with its conclusion that the involved project will not have a Significant Negative Impact on the Environment based on the criteria provided in 6 NYCRR 617.7(a)-(c), and

WHEREAS, now therefore, be it

RESOLVED, Dutchess County approves and adopts the attached Full Environmental Assessment Form and adopts a negative declaration of environmental significance in connection with the installation of a 2.473 Mw ground mounted Photovoltaic Array System at the Dutchess County Airport in accordance with SEQRA (6 NYCRR 617.7.b), and be it further

RESOLVED, that this negative declaration shall be filed as provided by law.

CA-131-15
CAB/kvh/G-1602
7/16/15 Fiscal Impact: See attached statement

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

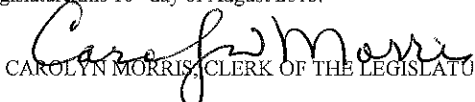
APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 8/14/2015

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☒ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds *(check one)*: ☐ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other *(explain)*.

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

The involved resolution would adopt SEQR findings for the construction of a solar array on the Dutchess County Airport. The finances involved will be addressed in the associated contract.

Prepared by: Brad Barclay

Prepared On: 7/14/15

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Sponsor Information.

Name of Action or Project: SolarCity Dutchess Airport		
Project Location (describe, and attach a general location map): 18 Griffith Way , Town of Wappinger, Dutchess County - Tax ID # 6259-03-225301		
Brief Description of Proposed Action (include purpose or need): The proposed action includes the installation of a 2.473 MW ground mount Photovoltaic Array System on a portion of land located on the above referenced property. The installation procedure is a direct push procedure, where utilizing a vehicle posts are driven approximately 4' in depth every 12-16' and the solar panel racks are then mounted to the posts. At the end of the rows of each panel an approximately 2 ft. wide by 2 ft deep trench is dug to connect the panels to the power inverter and then connected into the grid. The disturbance is limited to the posts, fence and trenches at the end of the aisles.		
Name of Applicant/Sponsor: SolarCity	Telephone: 805-663-3812 E-Mail: eschechter@solarcity.com	
Address: 3055 Clearview Way		
City/PO: San Mateo	State: CA	Zip Code: 94402
Project Contact (if not same as sponsor; give name and title/role): Elie Schecter	Telephone: 914-924-6450 E-Mail: eschechter@solarcity.com	
Address: 203 Ridgewood Drive		
City/PO: Elmsford	State: NY	Zip Code: 10523
Property Owner (if not same as sponsor): Dutchess County C/o Noel H.S. Knille	Telephone: (845) 486-2085 E-Mail: nknille@dutchessny.gov	
Address: 626 Dutchess Turnpike		
City/PO: Poughkeepsie	State: NY	Zip Code: 12601

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No or Village Board of Trustees		
b. City, Town or Village <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Planning Board or Commission		
c. City Council, Town or <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Village Zoning Board of Appeals		
d. Other local agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Legislative Board - SEQR Approval	submitted on 7/9/15
f. Regional agencies <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
g. State agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSDOT - Curb Cut Application	
h. Federal agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	NYSERDA funding FAA Environmental Assessment Approval	
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
<ul style="list-style-type: none"> If Yes, complete sections C, F and G. If No, proceed to question C.2 and complete all remaining sections and questions in Part 1 	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s): The project area of the proposed solar array (in the open field along the eastern side of Route 376) is not located in a special district however special districts do exist on the tax parcel - located on the opposite (western) side of Route 376 adjacent to the airport runway. Those include remediation site 314078 (remedial action completion date of 12/22/11) and 314101 (remedial investigation completion date of 03/31/03)	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s): _____ _____ _____	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☒ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
A-1 (Airport Industry)

b. Is the use permitted or allowed by a special or conditional use permit? ☒ Yes ☐ No

c. Is a zoning change requested as part of the proposed action? ☐ Yes ☒ No
If Yes,

i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Wappinger Central School District

b. What police or other public protection forces serve the project site?

Town of Wappinger Police, NYS Police

c. Which fire protection and emergency medical services serve the project site?

New Hackensack Fire

d. What parks serve the project site?

N/A

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? Utility - Solar Array

b. a. Total acreage of the site of the proposed action? 510.80 acres

b. Total acreage to be physically disturbed? 0.20 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 9.73 acres *area to be licensed by SolarCity

c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☒ No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☒ No

If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____

ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No

iii. Number of lots proposed? _____

iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____

e. Will proposed action be constructed in multiple phases? ☐ Yes ☒ No

i. If No, anticipated period of construction: _____ months

ii. If Yes:

- Total number of phases anticipated _____

- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year

- Anticipated completion date of final phase _____ month _____ year

- Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

f. Does the project include new residential uses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes,	
i. Total number of structures <u>42 rows</u> ii. Dimensions (in feet) of largest proposed structure: <u>8' 5" height</u> ; <u>12' width</u> ; and <u>450' length</u> iii. Approximate extent of building space to be heated or cooled: <u>N/A square feet</u>	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, describe. _____ _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? <input type="checkbox"/> Yes <input type="checkbox"/> No ix. Summarize site reclamation goals and plan: _____ _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____ _____	

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will proposed action cause or result in disturbance to bottom sediments? ☐ Yes ☐ No
If Yes, describe: _____

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation? ☐ Yes ☐ No
If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? ☐ Yes ☒ No
If Yes:

i. Total anticipated water usage/demand per day: _____ gallons/day

ii. Will the proposed action obtain water from an existing public water supply? ☐ Yes ☐ No
If Yes:

- Name of district or service area: _____
- Does the existing public water supply have capacity to serve the proposal? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No
- Do existing lines serve the project site? ☐ Yes ☐ No

iii. Will line extension within an existing district be necessary to supply the project? ☐ Yes ☐ No
If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
- Source(s) of supply for the district: _____

iv. Is a new water supply district or service area proposed to be formed to serve the project site? ☐ Yes ☐ No
If Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), maximum pumping capacity: _____ gallons/minute.

d. Will the proposed action generate liquid wastes? ☐ Yes ☒ No
If Yes:

i. Total anticipated liquid waste generation per day: _____ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

iii. Will the proposed action use any existing public wastewater treatment facilities? ☐ Yes ☐ No
If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? ☐ Yes ☐ No
- Is the project site in the existing district? ☐ Yes ☐ No
- Is expansion of the district needed? ☐ Yes ☐ No

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes: <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
If Yes: <ul style="list-style-type: none"> i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____ iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ 	
• If to surface waters, identify receiving water bodies or wetlands: _____	
• Will stormwater runoff flow to adjacent properties? _____	
iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
If Yes, identify: <ul style="list-style-type: none"> i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) Heavy equipment during construction operations only ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) N/A iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) N/A 	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
If Yes: <ul style="list-style-type: none"> i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☒ No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☒ No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☒ No

If Yes:

i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend
☐ Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☒ No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____

iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☐ No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> Monday - Friday: _____ 7am - 7pm Saturday: _____ N/A Sunday: _____ N/A Holidays: _____ N/A 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> Monday - Friday: _____ N/A Saturday: _____ N/A Sunday: _____ N/A Holidays: _____ N/A
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<p>m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?</p> <p>If yes:</p> <p>i. Provide details including sources, time of day and duration:</p> <p style="margin-left: 20px;">Noise will exceed ambient levels during installation of the panels. Construction will only take place during the hours of 7am and 7pm, Monday thru Friday.</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen?</p> <p>Describe: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>n.. Will the proposed action have outdoor lighting?</p> <p>If yes:</p> <p>i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?</p> <p>Describe: _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>o. Does the proposed action have the potential to produce odors for more than one hour per day?</p> <p>If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures:</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?</p> <p>If Yes:</p> <p>i. Product(s) to be stored _____</p> <p>ii. Volume(s) _____ per unit time _____ (e.g., month, year)</p> <p>iii. Generally describe proposed storage facilities: _____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?</p> <p>If Yes:</p> <p>i. Describe proposed treatment(s):</p> <p>_____</p> <p>_____</p>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<p>ii. Will the proposed action use Integrated Pest Management Practices?</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?</p> <p>If Yes:</p> <p>i. Describe any solid waste(s) to be generated during construction or operation of the facility:</p> <ul style="list-style-type: none"> • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) <p>ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ <p>iii. Proposed disposal methods/facilities for solid waste generated on-site:</p> <ul style="list-style-type: none"> • Construction: _____ • Operation: _____ 	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

s. Does the proposed action include construction or modification of a solid waste management facility? ☐ Yes ☒ No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____

ii. Anticipated rate of disposal/processing:

- _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
- _____ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: _____ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? ☐ Yes ☒ No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____

ii. Generally describe processes or activities involving hazardous wastes or constituents: _____

iii. Specify amount to be handled or generated _____ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? ☐ Yes ☐ No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

☐ Urban ☐ Industrial ☒ Commercial ☐ Residential (suburban) ☒ Rural (non-farm)

☒ Forest ☐ Agriculture ☐ Aquatic ☒ Other (specify): Airport

ii. If mix of uses, generally describe:

Forest area exists to the north and east of the site, the airport operations to the west and commercial businesses to the south

b. Land uses and covertypes on the project site.

Land use or Covertype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	0	.02	+0.02
• Forested	0	0	0
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	9.73	9.71	-0.02
• Agricultural (includes active orchards, field, greenhouse etc.)	0	0	0
• Surface water features (lakes, ponds, streams, rivers, etc.)	0	0	0
• Wetlands (freshwater or tidal)	0	0	0
• Non-vegetated (bare rock, earth or fill)	0	0	0
• Other Describe: _____			

The calculations within this table are based on the proposed limit of work area. However, the total acreage to be physically disturbed will be 0.20 acres as noted on page 3, D.1.b.

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☒ No
i. If Yes, explain: _____

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☒ No
If Yes,
i. Identify Facilities: _____

e. Does the project site contain an existing dam? ☐ Yes ☒ No
If Yes:
i. Dimensions of the dam and impoundment:
• Dam height: _____ feet
• Dam length: _____ feet
• Surface area: _____ acres
• Volume impounded: _____ gallons OR acre-feet
ii. Dam's existing hazard classification: _____
iii. Provide date and summarize results of last inspection: _____

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☒ No
If Yes:
i. Has the facility been formally closed? ☐ Yes ☐ No
• If yes, cite sources/documentation: _____
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____

iii. Describe any development constraints due to the prior solid waste activities: _____

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☒ No
If Yes:
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☒ Yes ☐ No
If Yes:
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☒ Yes ☐ No
☐ Yes – Spills Incidents database Provide DEC ID number(s): _____
☒ Yes – Environmental Site Remediation database Provide DEC ID number(s): 314078, 314101
☐ Neither database
ii. If site has been subject of RCRA corrective activities, describe control measures: _____
The contamination sites are located on the opposite side of Route 376 NOT in the area of the proposed solar array.

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☒ Yes ☐ No
If yes, provide DEC ID number(s): 314078, 314101
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____
314078 (remedial action completion date of 12/22/11) and 314101 (remedial investigation completion date of 03/31/03) These sites are located on the opposite side of Route 376 NOT in the area of the proposed solar array.

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☒ No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ <5 feet

b. Are there bedrock outcroppings on the project site? ☐ Yes ☒ No
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

BeB - Bernardston silt loam	13 %
BeC - Bernardston silt loam	84 %
Ha - Halsey mucky silt loam	3 %

d. What is the average depth to the water table on the project site? Average: _____ <2 feet

e. Drainage status of project site soils: ☒ Well Drained: _____ 97 % of site
☐ Moderately Well Drained: _____ % of site
☒ Poorly Drained: _____ 3 % of site

f. Approximate proportion of proposed action site with slopes: ☒ 0-10%: _____ 16 % of site
☒ 10-15%: _____ 84 % of site
☐ 15% or greater: _____ % of site

g. Are there any unique geologic features on the project site? ☐ Yes ☒ No
If Yes, describe: _____

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☒ Yes ☐ No

ii. Do any wetlands or other waterbodies adjoin the project site? ☒ Yes ☐ No
If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☒ Yes ☐ No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 857-15, 857-2, 857-14, 857-18 and 857-19 Classification C,B,B(T), C(T)
- Lakes or Ponds: Name _____ Classification _____
- Wetlands: Name Federal waters Approximate Size 100 acres
- Wetland No. (if regulated by DEC) _____

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☒ No
If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? ☐ Yes ☒ No

j. Is the project site in the 100 year Floodplain? ☐ Yes ☒ No

k. Is the project site in the 500 year Floodplain? ☐ Yes ☒ No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☒ Yes ☐ No
If Yes:

i. Name of aquifer: Principal Aquifer

m. Identify the predominant wildlife species that occupy or use the project site: _____ Typical local wildlife _____ _____	
n. Does the project site contain a designated significant natural community? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Describe the habitat/community (composition, function, and basis for designation): _____ _____	
ii. Source(s) of description or evaluation: _____	
iii. Extent of community/habitat:	
<ul style="list-style-type: none"> • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres 	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
See Threatened and Endangered Species Habitat Report prepared by Ecological Solutions, attached.	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
See Threatened and Endangered Species Habitat Report prepared by Ecological Solutions, attached.	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes:	
i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes:	
i. CEA name: Dutchess County Airport Balefill, Dutchess Airport Land fill (both located on tax parcel - but on opposite side of Route 376) ii. Basis for designation: Inactive landfill, toxic pollutants present, landfill toxic pollutants present iii. Designating agency and date: 7/18/85, 6/19/85 Agency: Dutchess County	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input checked="" type="checkbox"/> Historic Building or District ii. Name: <u>New Hackensack Cemetery</u> iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If Yes: i. Identify resource: <u>Dribble ss County Rail Trail</u> ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: <u>0.82</u> miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

F. Additional Information

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Ellie Schlecter, Sr. Project Manager, SolarCity Date 7/7/15

Signature  Title Project Manager

PRINT FORM

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]

Project: _____
 Date: _____

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

Tips for completing Part 2:

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

1. Impact on Land Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) If "Yes", answer questions a - j. If "No", move on to Section 2. <div style="text-align: right;"> <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

2. Impact on Geological Features The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) If "Yes", answer questions a - c. If "No", move on to Section 3. <div style="text-align: right;"> <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) If "Yes", answer questions a - l. If "No", move on to Section 4. <div style="text-align: right;"> <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input checked="" type="checkbox"/>	<input type="checkbox"/>

1. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) If "Yes", answer questions a - h. If "No", move on to Section 5.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. (See Part 1. E.2) If "Yes", answer questions a - g. If "No", move on to Section 6.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air

The proposed action may include a state regulated air emission source.
(See Part 1. D.2.f., D.2.h, D.2.g)

☒ NO

☐ YES

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO ₂) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochlorofluorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

☒ NO

☐ YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1. E.1.a, E.1.b, E.3.h.) If "Yes", answer questions a - g. If "No", go to Section 10. <div style="text-align: right;"> <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input checked="" type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2-3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

10. Impact on Historic and Archeological Resources The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) If "Yes", answer questions a - e. If "No", go to Section 11. <div style="text-align: right;"> <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Yes", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation

The proposed action may result in a change to existing transportation systems.

☒ NO☐ YES

(See Part 1. D.2.j)

If "Yes", answer questions a - g. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

14. Impact on Energy

The proposed action may cause an increase in the use of any form of energy.

☐ NO☒ YES

(See Part 1. D.2.k)

If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: <u>The project will create 2.473 Mw of energy to be utilized by Dutchess County properties.</u>		<input type="checkbox"/>	<input checked="" type="checkbox"/>

15. Impact on Noise, Odor, and Light

The proposed action may result in an increase in noise, odors, or outdoor lighting.

☐ NO☒ YES

(See Part 1. D.2.m., n., and o.)

If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input checked="" type="checkbox"/>	<input type="checkbox"/>

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input checked="" type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) If "Yes", answer questions a - m. If "No", go to Section 17. <div style="text-align: right;"> <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES </div>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input checked="" type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input checked="" type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

17. Consistency with Community Plans The proposed action is not consistent with adopted land use plans. (See Part 1. C.1, C.2, and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

18. Consistency with Community Character The proposed project is inconsistent with the existing community character. (See Part 1. C.2, C.3, D.2, E.3) If "Yes", answer questions a - g. If "No", proceed to Part 3.			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

Full Environmental Assessment Form
Part 3 - Evaluation of the Magnitude and Importance of Project Impacts
and
Determination of Significance

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

Reasons Supporting This Determination:

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

Please see attached document for supporting information.

Determination of Significance - Type 1 and Unlisted Actions

SEQR Status: ☐ Type 1 ☒ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☒ Part 2 ☒ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the _____ as lead agency that:

☒ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.d).

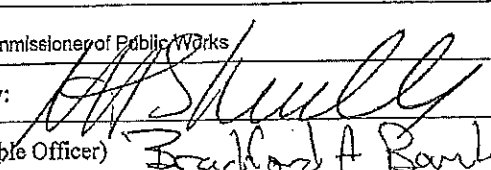
☐ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: SolarCity Dutchess County Airport PV Array

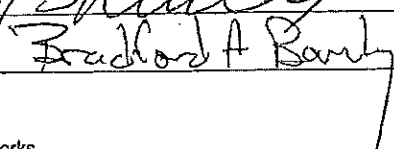
Name of Lead Agency: Dutchess County

Name of Responsible Officer in Lead Agency: Noel Knille, AIA, ASLA

Title of Responsible Officer: Dutchess County Commissioner of Public Works

Signature of Responsible Officer in Lead Agency: 

Date: 7/15/15

Signature of Preparer (if different from Responsible Officer) 

Date: 7/15/15

For Further Information:

Contact Person: Noel Knille, AIA, ASLA, Commissioner of Public Works

Address: 626 Dutchess Turnpike, Poughkeepsie, NY 12603

Telephone Number: (845) 486-2121

E-mail: dpwadmin@dutchessny.gov

For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

PRINT FULL FORM



PART III EAF -SUPPLEMENTAL INFORMATION

Project Location:

According to Dutchess County Parcel Access the parcel address is listed as 18 Griffith Way in the Town of Wappinger, Dutchess County, New York and is further described as Tax ID # 6259-03-225301 and being 510.80 acres

Project Description:

The proposed action includes the construction and installation of a 2.473 Mw ground mounted Photovoltaic Array system on a portion of the land located on the above referenced property.

The installation of the solar array panels are a direct push procedure, where utilizing a vehicle, posts are driven approximately 4' in depth every 12'-16' and the solar panel racks are then mounted to the posts. At the end of each row of panels an approximately 2'x2' trench is dug to connect the panels to the power inverter. The trench will run from the array west, through the property and connect to a utility pole located along the eastern side of Route 376. The overall ground disturbance is 9.73 acres which is limited to the posts, fence and trenches for which the proposed hard surface totals approximately 0.20 acres.

Required Permits and Approvals:

1. Federal Aviation Administration (FAA) Environmental Assessment Approval. This is the FAA's own, separate, environmental assessment for the project area and how it relates strictly to airport operations.
2. NYSDOT Curb Cut Access

Studies and Reports Prepared for the Project Site:

The applicant prepared and submitted the following documents as part of the environmental review process for the project site:

- New York State Office of Parks Recreation & Historic Preservation (OPRHP) Review: The project engineer created a consultation project with the OPRHP Cultural Resource Information System (CRIS) online portal. On May 5th, 2015 a Letter of No Impact was received.
- Wetland Delineation Report: On April 24th, 2015 a Wetland Delineation Report was prepared by Michael Nowicki of Ecological Solutions, LLC. It was determined that a portion of NYSDEC regulated wetland PV-51, which is also regulated by USACE and the Town of Wappinger was found to be located on the subject parcel. However, the proposed project was designed so

that the entire limit of work area was outside of the 100' regulated buffer of that wetland area. The report concludes that no impacts are proposed to the wetlands.

- **Threatened and Endangered Species Habitat Suitability Assessment Report:** On April 24th, 2015 a report was prepared by Michael Nowicki of Ecological Solutions, LLC. The report states that four types of threatened or endangered species are known to be in the area; the Indiana Bat, the Northern Long-Eared Bat, New England Cottontail and Dwarf Wedgemussel. The construction of the proposed solar array will not require any tree clearing so no mitigation would be necessary for any potential bat habitat. The site provides none of the characteristics associated with the habitat of the cottontail and there is no supporting tributary in the project area that would provide habitat for the wedgemussel. Therefore there would be no impacts to any threatened or endangered species due to the construction of this proposed action.
- **Glare Analysis:** A complete glare analysis was prepared by SolarCity. The report shows that there would be no significant impact to existing airport traffic from the Dutchess County Airport. There is no anticipated impact to motorist travel along Route 376.

Reasons Supporting This Determination:

The following information provides details on the impacts as depicted in Part II of the EAF where an impact has been identified.

1. Impact on Land

Although the proposed development will have an impact on land surface of the project site that impact is minimal. There will be approximately 0.20 acres of hard surface proposed as part of this action. According to the USDA Soils Map the majority of the soils in the area are BeB and BeC Bernardston silt loam which both have a depth to water table of about 18 to 24 inches.

There are no other impacts to the land for construction of the proposed solar array.

2. Impact on Geological Features

There are no impacts to geological features associated with the development of this action.

3. Impact on Surface Water

The only impact under this section applies to 3(d) of Part II of the EAF in which the proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body. In this case the project site only involves land that adjoins a wetland area. The project has been designed so that it will not impact the 100' regulated buffer of this wetland. Therefore no impacts are associated with surface water from this action.

4. Impacts on Groundwater

There are no impacts to groundwater associated with the development of this action.

5. Impacts on Flooding

There are no impacts to flooding associated with the development of this action.

6. Impacts on Air

The only temporary emissions generated from this project would consist of those created by the construction equipment used to install the solar panels and the personal vehicles of the work personnel. This impact is anticipated to last approximately two months.

No other impacts on air are associated with this action.

7. Impacts on Plants and Animals

A Threatened and Endangered Species Habitat Suitability Assessment Report was prepared was prepared by Michael Nowicki of Ecological Solutions, LLC on April 24th, 2015. The report states that four types of threatened or endangered species are known to be in the area; the Indiana Bat, the Northern Long-Eared Bat, New England Cottontail and Dwarf Wedgemussel. The construction of the proposed solar array will not require any tree clearing no mitigation would be necessary for potential bat habitat. The site provides none of the characteristics associated with the habitat of the cottontail and there is no supporting tributary in the project area that would provide habitat for the wedgemussel.

No negative impact would be anticipated to plants or animals due to the development of the project site, based on the project reports.

8. Impacts on Agricultural Resources

There are no impacts to agricultural resources associated with the development of this action.

9. Impact on Aesthetic Resources

The proposed action will be visible from Route 376. The location and angle of the array has been designed to provide as much natural buffer to Route 376 as possible. No glare is expected to impact motorists traveling along this roadway.

10. Impact on Historic and Archaeological Resources

The project site is located within an archaeological sensitive area. The project engineer has worked with NYSOPRHP to review the project and a letter of No Impact has been received.

The proposed action will not result in the alteration of the properties integrity.

11. Impacts on Open Space and Recreation

There are no impacts to open space and recreation associated with the development of this action.

12. Impacts on Critical Environmental Areas

There are no impacts to critical environmental areas associated with the development of this action.

13. Impacts on Transportation

There are no impacts to transportation associated with the development of this action.

14. Impact on Energy

A Power Purchase Agreement (PPA) has been entered into between SolarCity and Dutchess County where 2.473 Mw of solar power is to be produced. That generated power will be introduced into the grid for Dutchess County to use to offset the energy costs associated with power consumption for County owned buildings.

The impact would be to decrease the amount of electric energy used from the grid and replace it with the increased use of renewable, solar energy which would also provide a cost savings to the County.

15. Impact on Noise, Odor, and Light

The only temporary minor impact will be noise that may exceed ambient noise levels during the two month construction period only.

16. Impact on Human Health

Four sites are listed on the NYSDEC Environmental Site Remediation Database. The first is the Dutchess County Airport Landfill – Site Code 314022 and is located adjacent to the Wappinger Creek on the north and west sides and is adjacent to the airport. This site is located on the opposite side of Route 376 from the proposed project area and will not be impacted.

The second site is the Dutchess County Airport Balefill – Site Code 314023 which is located adjacent to the Wappinger Creek to the north and west and Jackson Road to the south with the airport along the eastern perimeter. This site is approximately 5,000 feet away from the project area.

The third site is the Dutchess County Airport Hangar Facility – Site Code 314078 which is located on the southeastern portion of the airport. The site is reached via Griffith Way and is approximately 4,000 feet from the proposed project site.

The final site listed on the database is the Flagship Airlines Hangar –Site Code 314101 which is located in the southeastern portion of the airport via Griffith way and in the general area as site number three listed above. This location is also approximately 4,000 feet away from the proposed project area.

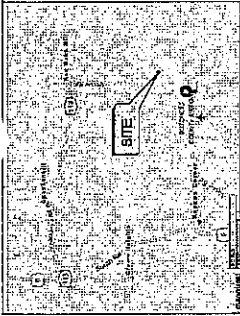
The only impact listed that applies to the project is that it would be located within 2,000 feet of a site used for the disposal of solid or hazardous waste (site number 1 listed above). The landfill is located on the subject parcel however it is located on the opposite side of Route 376 approximately 1,100 feet to the west of the proposed solar array.

17. Consistency with Community Plans

The action is consistent with community plans and will not have an impact on community development or land use

18. Consistency with Community Character

The action is consistent with the community character and will not have an impact on current public resources or community services.



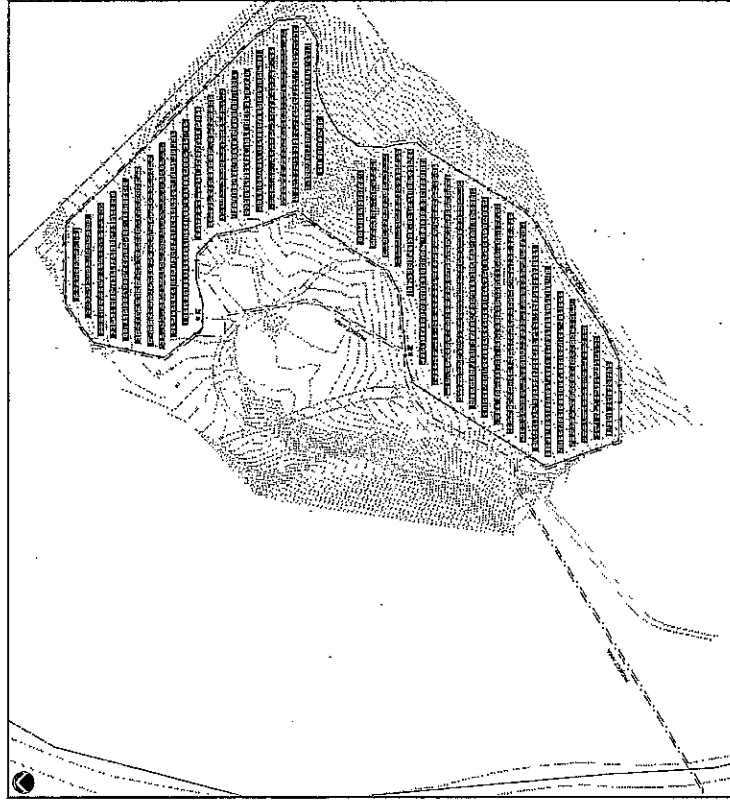
VICINITY MAP
NS



LOCATION MAP
NS

SOLARCITY

SITE PLANS AND DETAILS
DUTCHES COUNTY-AIRPORT
TAX MAP ID# 6259-03-225301
18 GRIFFITH WAY
TOWN OF WAPPINGER, DUTCHES COUNTY,
NEW YORK
SUBMITTED : JULY 9, 2015



PROJECT AREA PLAN
SCALE 1"=100'

INDEX OF DRAWINGS

CY-1	COVER SHEET
EX-1	EXISTING CONDITIONS
SP-1	SITE PLAN & EROSION AND SEDIMENTATION CONTROL PLAN
DN-1	DETAIL SHEET

PROJECT ENGINEER



John P. ...
Professional Engineer
No. ...
Exp. ...
Signature ...
Date ...

APPLICANT INFORMATION

NO. ...
NAME ...
ADDRESS ...

NOTE
SITE DESIGN INCLUDING ANNUAL LAUNCH, TRUCK LOADING, ACCESS
ROADS, AND OTHER DETAILS ARE NOT SHOWN ON THIS PLAN FOR CONSIDERATION AND ARE NOT PART OF
THIS PLAN.

1. The above information was obtained from the files of the Federal Bureau of Investigation, Department of Justice, and is being furnished to you for your information only. It is not to be used for any other purpose.



APPLICANT / CLIENT:

NOT FOR CONSTRUCTION

EXISTING CONDITIONS

SOLAR CITY
DUTCHESS COUNTY-AIRPORT
16 GRIFFITH WAY
TOWN OF WAPPINGER,
DUTCHESS COUNTY, NEW YORK

1-XF

Product No.	Lot	Size	Exp. Date
1000	100	100	1000
1001	101	101	1001
1002	102	102	1002
1003	103	103	1003
1004	104	104	1004
1005	105	105	1005
1006	106	106	1006
1007	107	107	1007
1008	108	108	1008
1009	109	109	1009
1010	110	110	1010



Parks, Recreation, and Historic Preservation

ANDREW M. CUOMO
Governor

ROSE HARVEY
Commissioner

May 05, 2015

Mrs. Nicole Patti
LRC Group
85 Civic Center Plaza
Suite 103
Poughkeepsie, NY 12601

Re: ERDA
Dutchess Airport Solar Array
18 Griffith Way, Wappinger, NY 12590
15PR01926

Dear Mrs. Patti:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the New York State Office of Parks, Recreation and Historic Preservation's opinion that your project will have no impact on archaeological and/or historic resources listed in or eligible for the New York State and National Registers of Historic Places.

If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont

Deputy Commissioner for Historic Preservation

*Threatened and Endangered Species
Habitat Suitability Assessment Report*

Dutchess County Airport Site
Route 376
Town of Wappinger
Dutchess County, New York

April 24, 2015

Prepared by:

Michael Nowicki
Ecological Solutions, LLC
1248 Southford Road
Southbury, CT 06488
(203) 910-4716

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1.0 INTRODUCTION

Ecological Solutions, LLC completed a threatened and endangered species habitat assessment on previously impacted site totaling about 100 acres located on the east side of State Route 376 in the Town of Wappinger, Dutchess County, New York (Figure 1). The proposed project is a solar array to serve the airport.

The New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper indicates that there are known occurrences of State regulated threatened or endangered species (Indiana bat) in the vicinity of the site (Figure 2).

A review of the US Fish and Wildlife Service (USFWS) list of federal threatened, endangered, proposed endangered, and candidate species in Dutchess County indicates that there is the potential for Indiana bat (*Myotis sodalis*), Northern long-eared bat (*Myotis septentrionalis*), dwarf wedgemussel (*Alasmidonta heterodon*), and New England cottontail (*Sylvilagus transitionalis*) to be located on the site since they occur in the County.

The purpose of the assessment was to determine if potential habitat exists for listed species on the site. A field assessment was conducted on April 23, 2015 and habitat on the site was observed and is listed in Table 1.

TABLE 1
COVER TYPES IDENTIFIED ON THE SITE

COVER TYPE NAMES
Mowed Field
Wet Meadow

1. Mowed Field

The area of the proposed solar array is generally mowed/maintained field dominated by grass and other field species.

2. Wet Meadow

The wet meadow is a portion of NYSDEC regulated wetland PV-51 which is also regulated by the USACE and Town of Wappinger. This wetland has a regulated 100 foot buffer or Adjacent Area.

2.0 HABITAT SUITABILITY ASSESSMENT/CONCLUSION

The species reviewed are from the USFWS list for the site.

2.0-1 Indiana Bats

The Indiana bat typically hibernates in caves/mines in the winter and roosts under bark or in tree crevices in the spring, summer, and fall. Suitable potential summer roosting habitat is characterized by trees (dead, dying, or alive) or snags with exfoliating or defoliating bark, or containing cracks or crevices that could potentially be used by Indiana bats as a roost. The minimum diameter of roost trees observed to date is 2.5 inches for males and 4.3 inches for females. However, maternity colonies generally use trees greater than or equal to 9 inches dbh. Overall, roost tree structure appears to be more important to Indiana bats than a particular tree species or habitat type. Females appear to be more habitat specific than males presumably because of the warmer temperature requirements associated with gestation and rearing of young. As a result, they are generally found at lower elevations than males may be found. Roosts are warmed by direct exposure to solar radiation, thus trees exposed to extended periods of direct sunlight are preferred over those in shaded areas. However, shaded roosts may be preferred in very hot conditions. As larger trees afford a greater thermal mass for heat retention, they appear to be preferred over smaller trees.

Streams associated with floodplain forests, and impounded water bodies (ponds, wetlands, reservoirs, etc.) where abundant supplies of flying insects are likely found provide preferred foraging habitat for Indiana bats, some of which may fly up to 2-5 miles from upland roosts on a regular basis. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (e.g., old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures. While Indiana bats appear to forage in a wide variety of habitats, they seem to tend to stay fairly close to tree cover.

Conclusion - The proposed project area of the site does not possess habitat for the Indiana bat because there are no trees in the project area only open mowed/maintained field. The construction of the proposed solar array will not require tree clearing. No mitigation is proposed since there will no tree removal.

2.0-2 Northern long eared bats

Winter Habitat: Same as the Indiana bat northern long-eared bats spend winter hibernating in caves and mines, called hibernacula. They typically use large caves or mines with large passages and entrances; constant temperatures; and high humidity with no air currents. Specific areas where they hibernate have very high humidity, so much so that droplets of water are often seen on their fur. Within hibernacula, surveyors find them in small crevices or cracks, often with only the nose and ears visible.

Summer Habitat: During summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds.

Feeding Habits: Northern long-eared bats emerge at dusk to fly through the understory of forested hillsides and ridges feeding on moths, flies, leafhoppers, caddisflies, and beetles, which they catch while in flight using echolocation. This bat also feeds by gleaning motionless insects from vegetation and water surfaces.

Conclusion - The northern long eared bat requires/occupies practically the same habitat niche as the Indiana bat. No mitigation measures are proposed.

2.0-3 New England cottontail

The New England cottontail retains its brown color during winter, making it easy prey to coyotes and owls when it cannot find adequate habitat cover. It is an early-successional species, preferring dense shrubby areas and thickets. The ideal habitat is 25 acres of continuous early successional habitat within a larger landscape that provides shrub wetlands and dense thickets.

Conclusion - The site is open upland and provides none of the characteristic shrub dominated thicket habitat associated with the New England cottontail. No impacts will occur to this species.

2.0-4 Dwarf wedgemussel

The dwarf wedge mussel is found at 17 sites in seven Atlantic Coast drainages. These are located in New Hampshire, Vermont, Connecticut, New York, Maryland, Virginia and North Carolina. Typical habitat for this mussel includes running waters of all sizes, from small brooks to large rivers. Bottom substrates include silt, sand and gravel, which may be distributed in relatively small patches behind larger cobbles and boulders. The river velocity is usually slow to moderate. Dwarf wedge mussels appear to select or are at least tolerant of relatively low levels of calcium in the water.

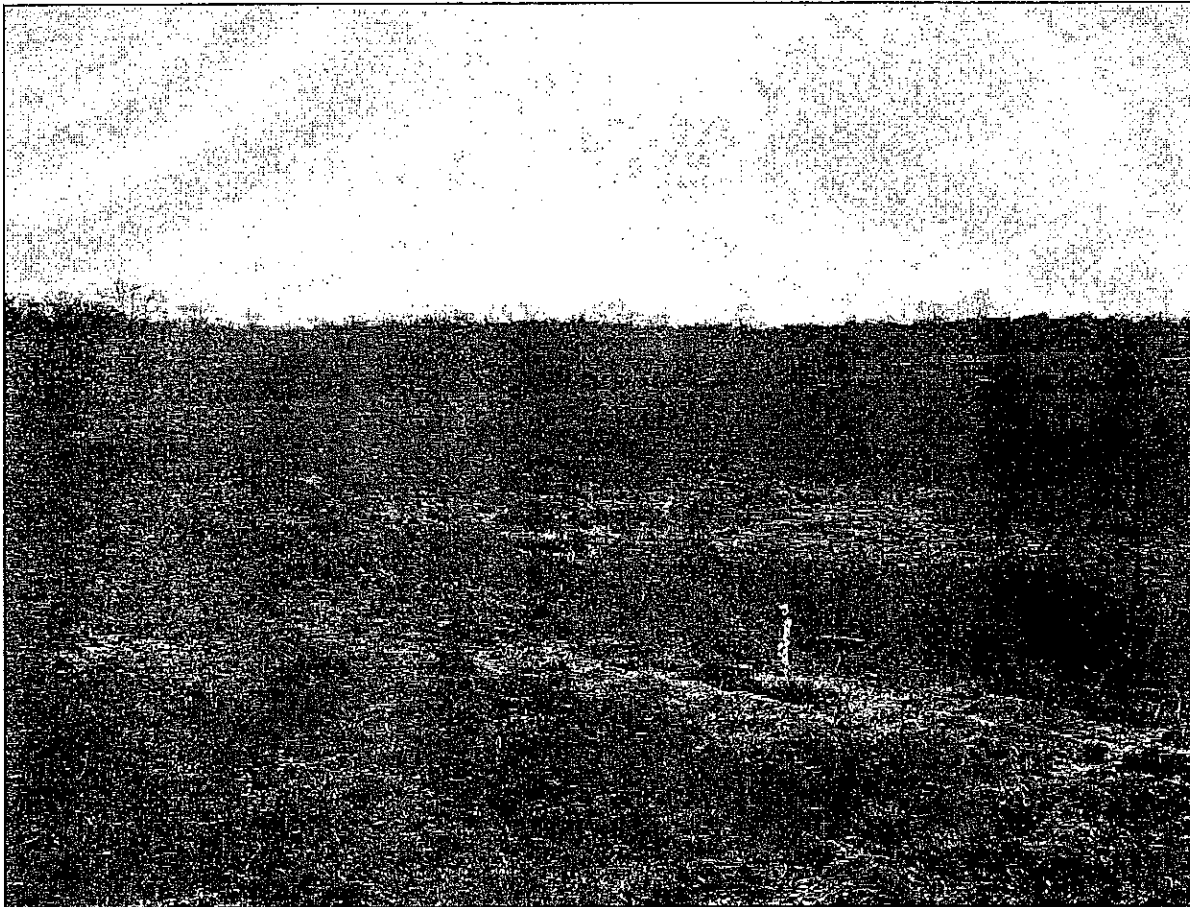
Conclusion - There is no supporting tributary in the project area so no impacts will occur.

3.0 PHOTOGRAPHS

Typical field habitat in area of proposed solar array



Wetland in background



Typical field habitat in area of proposed solar array - wetland in background



Figure 1 - Location Map

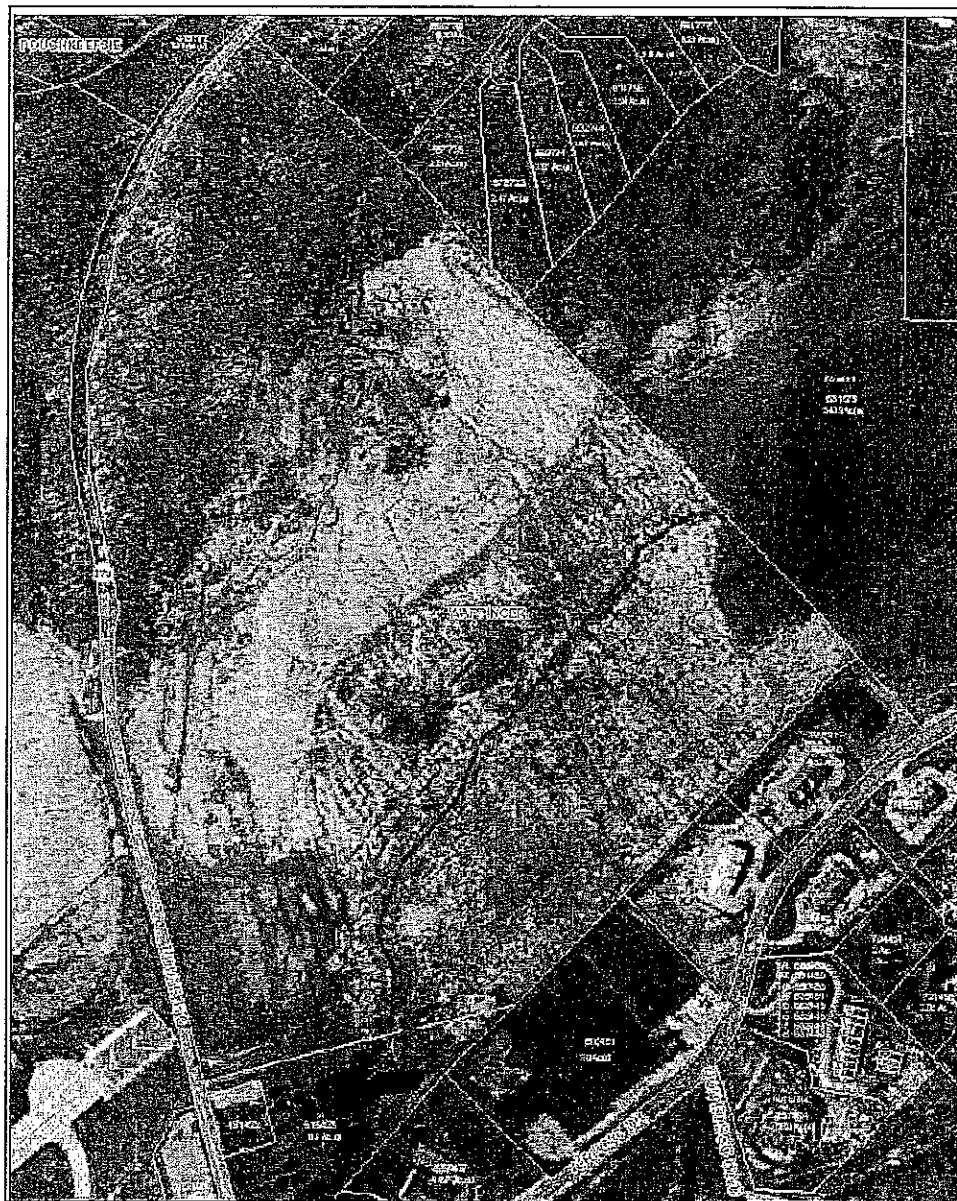


Figure 2 - NYSDEC Map

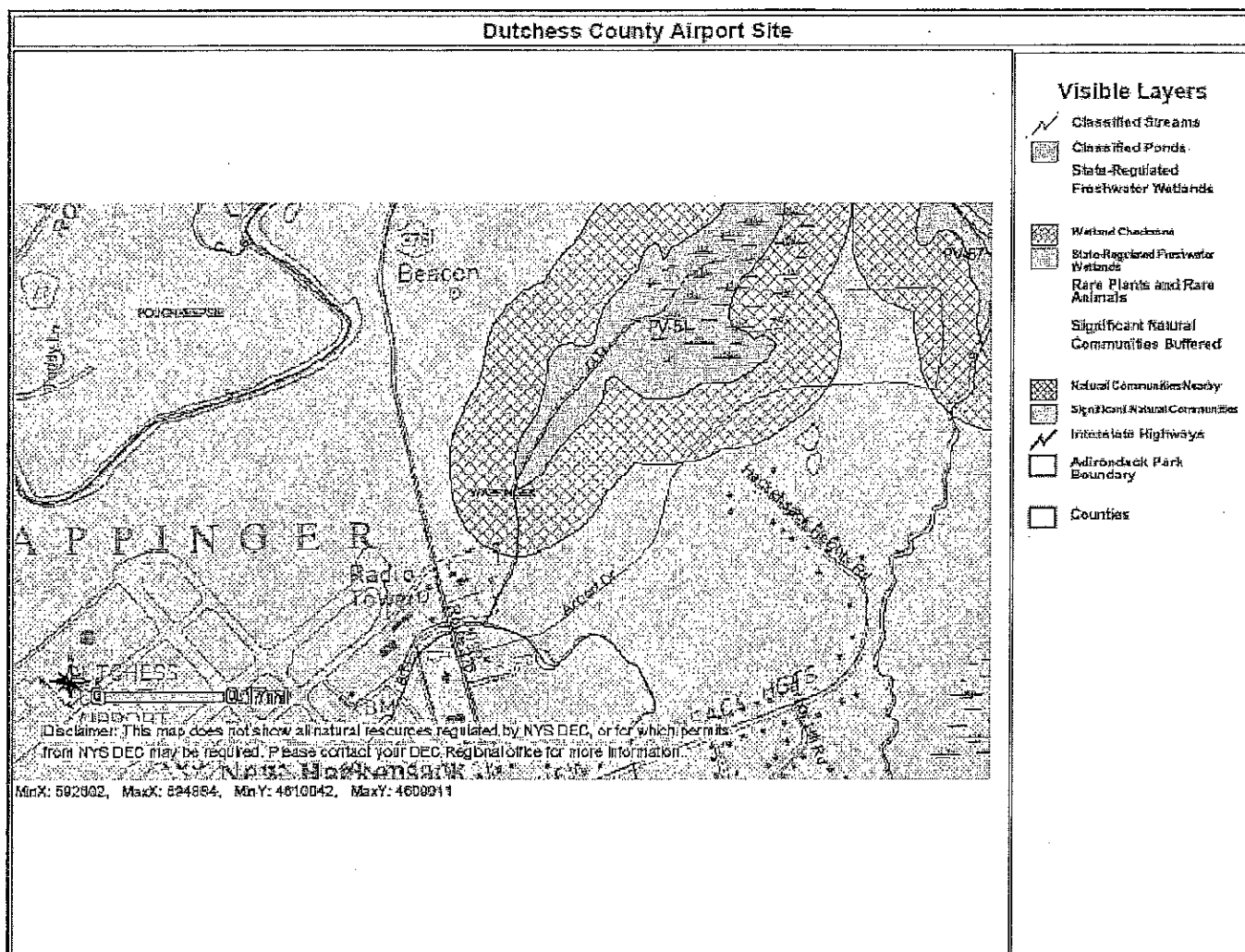
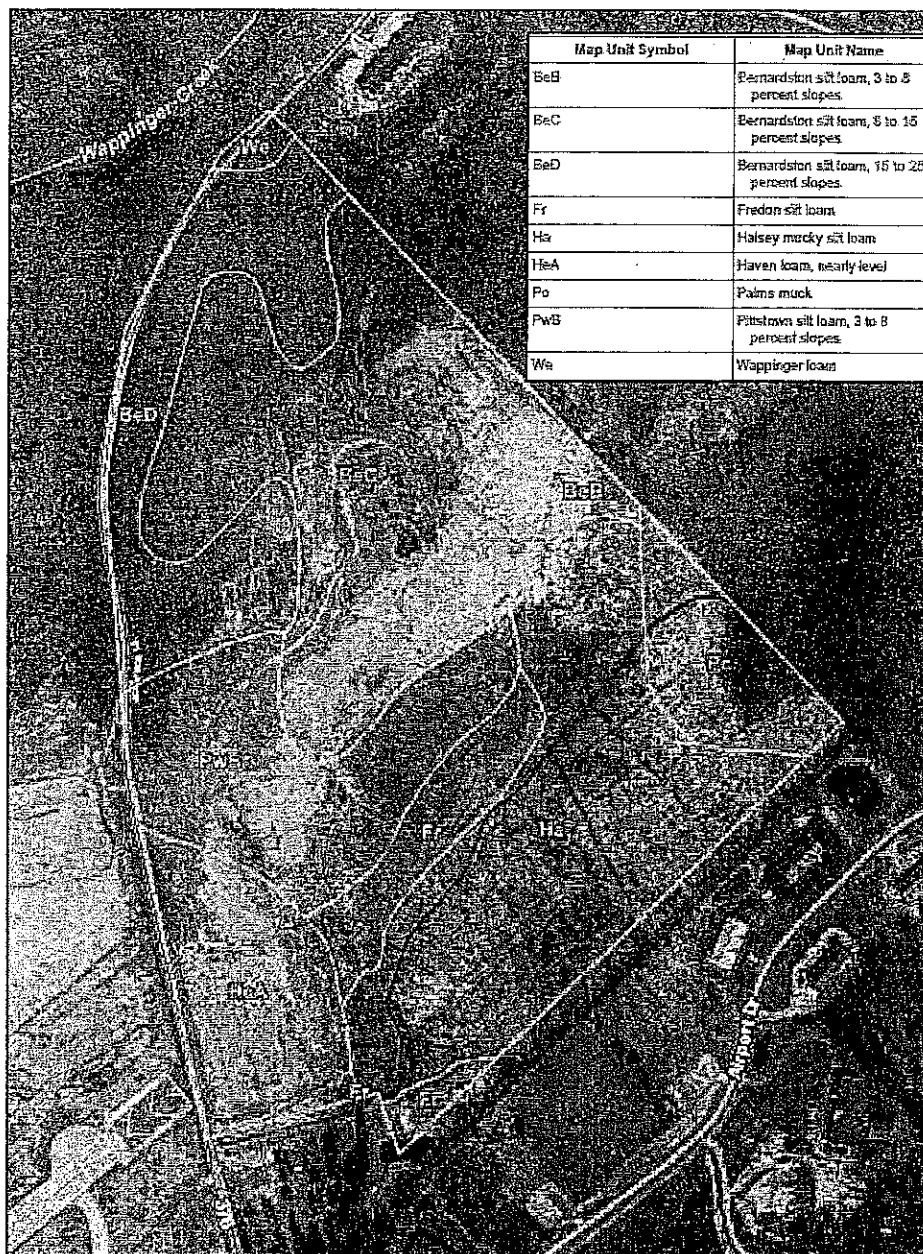


Figure 3 - Soil Map



Wetland Delineation Report

Dutchess County Airport Site
Route 376
Town of Wappinger
Dutchess County, New York

April 24, 2015

Prepared by:

Michael Nowicki
Ecological Solutions, LLC
1248 Southford Road
Southbury, CT 06488
(203) 910-4716

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WETLAND DELINEATION REPORT

1.0 INTRODUCTION

Ecological Solutions, LLC completed a Federal (US Army Corps of Engineers), State (NY State Department of Environmental Conservation) and Local (Town of Wappinger) wetland delineation on previously impacted site totaling about 100 acres located on the east side of State Route 376 in the Town of Wappinger, Dutchess County, New York (*Figure 1*). The proposed project is a solar array to serve the airport.

The field delineation was conducted on April 23, 2015. The methodology used for this delineation consisted of the Routine Onsite Determination Method prescribed in the 1987 USACE Wetlands Delineation Manual¹ and recent northeast/northcentral supplement, NYSDEC Article 24 Freshwater Wetland regulations, and Town of Wappinger Wetland Code - Chapter 137. A baseline, Route 376, was established, and 2 transects were traversed (field investigated) through the project area. Vegetation was sampled along these transects at 100' intervals or observation points where applicable. Dominant vegetation was noted at each point, and hydrophytic (wetland) vegetation was considered to be present when 50% or more of the vegetation throughout the strata of each plant community was classified as either facultative, facultative wet, or obligate wet. Hydrophytic vegetation was also positively identified based on the presence of secondary characteristics including morphological adaptations for occurrence in wetlands. Adaptations noted include: adventitious roots, shallow root systems where surface rock was not apparent, buttressed trunks, and hypertrophied lenticels. Soils were then sampled where facultative or facultative wet vegetation was dominant. Soils were not determined where the dominant vegetation was obligate wet. These points were classified as Federal wetland without further investigation.

Soil samples were taken with a dutch slotted auger to a depth of 18" of the soil profile where possible. Hydric soil indicators noted include: presence of seasonal high water table, inundation, presence of hydrogen sulfide, soil chroma of 1 (without mottles) or 2 (with mottles) as per the Munsell Soil Color Chart, gleying, iron and manganese concretions, and oxidized rhizospheres. Hydric soils were determined to be present when any one of these indicators was recognized.

Each observation point was also examined to determine if wetland hydrology was present at some time during the growing season. Indicators of wetland hydrology noted at the site include: soil saturation within the test hole or at the soil surface, inundation, positive drainage patterns, and watermarks on tree trunks or waterstained leaves on the ground.

When an observation point contained all three wetland parameters: hydrophytic vegetation, hydric soils, and evidence of seasonal hydrology, the point was determined to be wetland. The area surrounding the observation point was then investigated to determine the upland boundary via the same methodology. The delineation was then confirmed by placing flags at the edge of the wetland and upland boundary.

¹Environmental Laboratory. 1987. "Corps of Engineers Wetlands Delineation Manual," TR y-87-1, US Waterways Experiment Station, Vicksburg, Miss.

Figure 1 Location Map

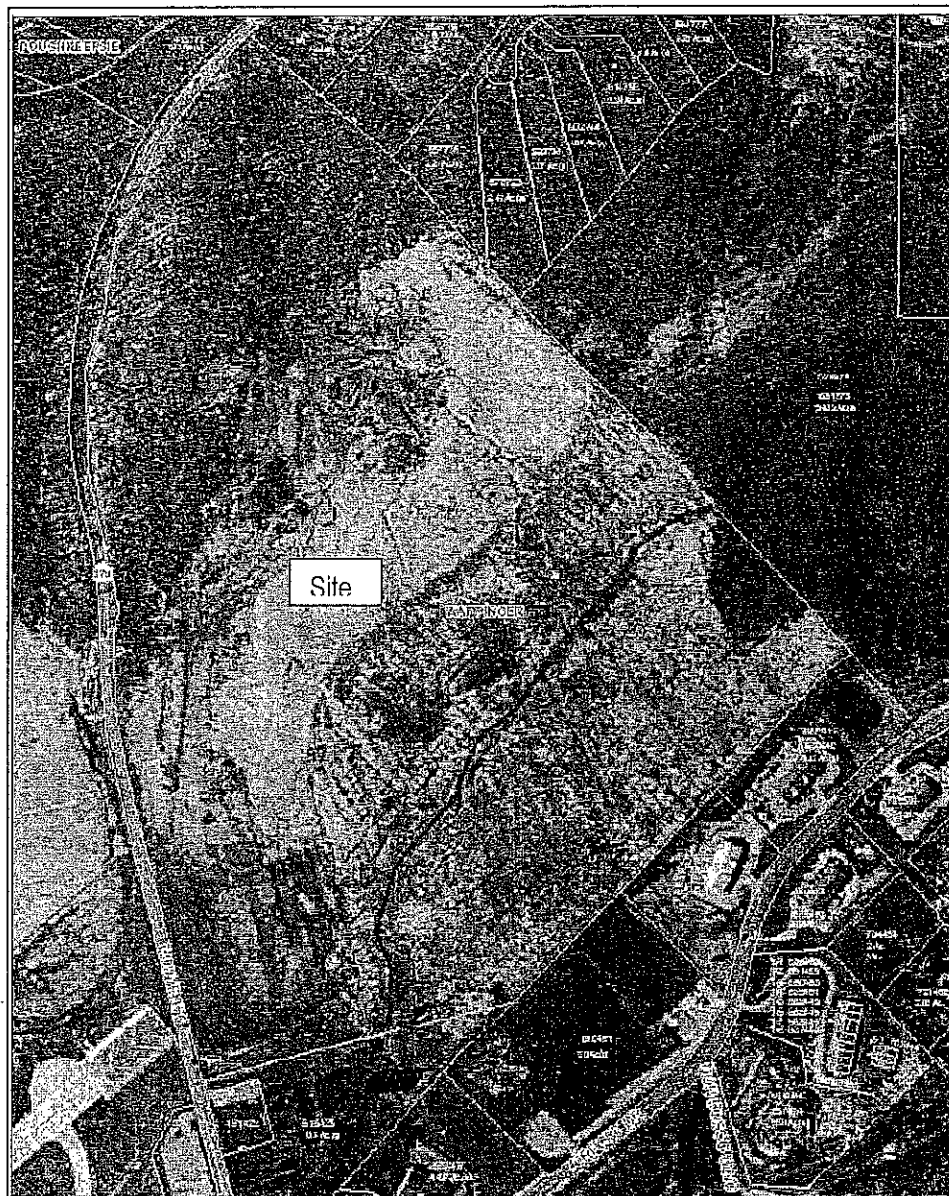
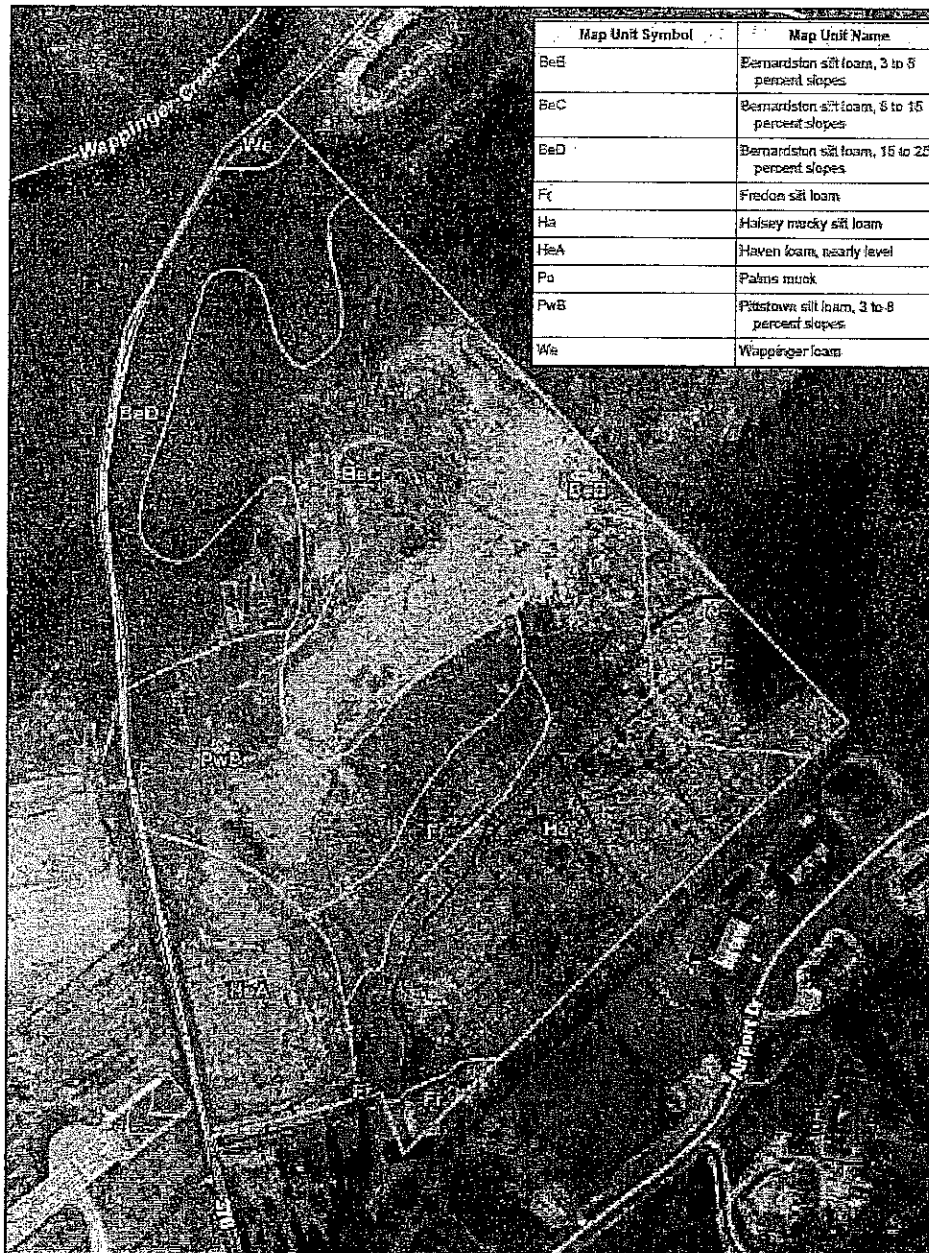


Figure 2 Soils Map



2.0 EXISTING CONDITIONS/SITE CHARACTERISTICS

The project area and vicinity consists of the following:

1. Mowed Field

The area of the proposed solar array is generally mowed/maintained field dominated by grass and other field species.

2. Wet Meadow

The wet meadow is a portion of NYSDEC regulated wetland PV-51 which is also regulated by the USACE and Town of Wappinger. This wetland has a regulated 100 foot buffer or Adjacent Area.

3.0 SUMMARY

The wetland delineated at the site meets the criteria to be defined as Federal, State, and Town wetland. No impacts are proposed to wetlands for the solar array.

4.0 PHOTOGRAPHS

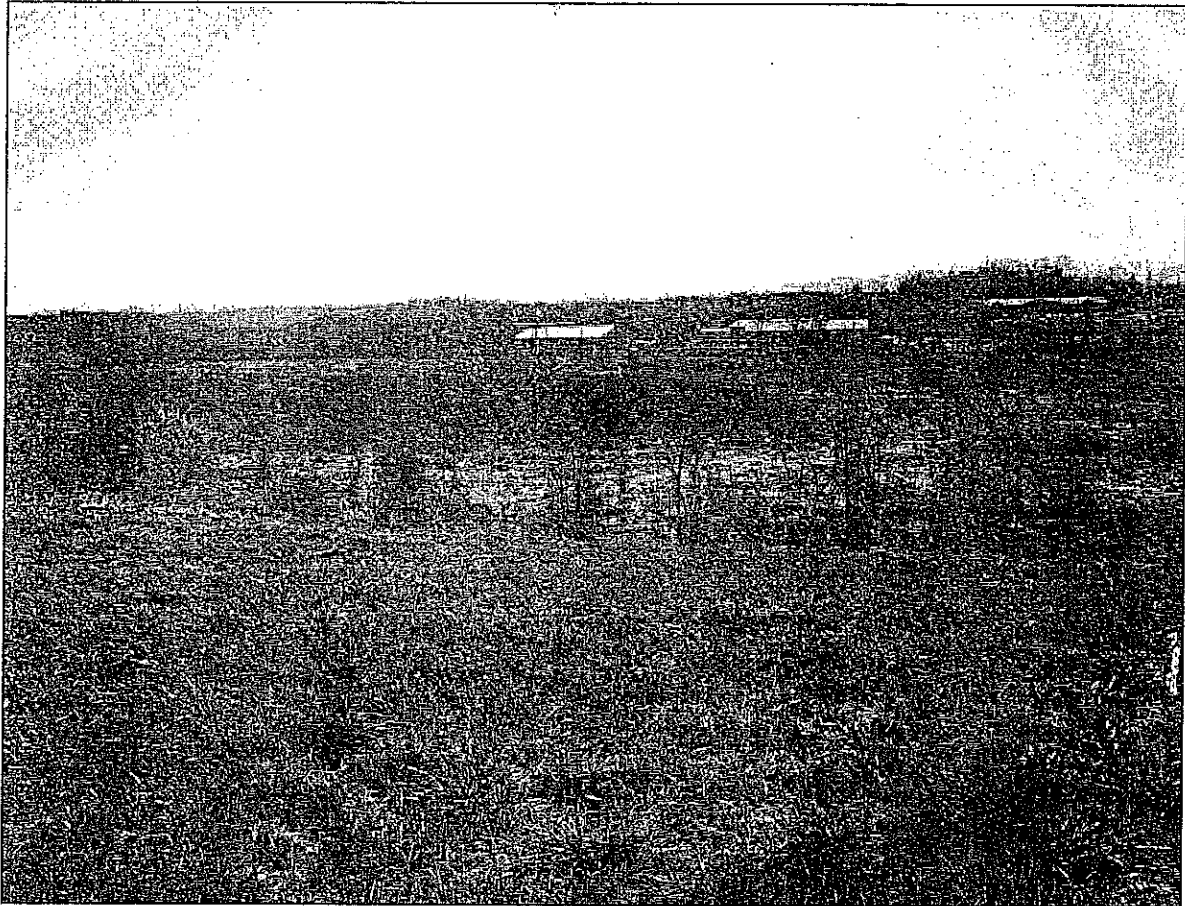
Typical field habitat in area of proposed solar array



Wetland in background



Typical field habitat in area of proposed solar array - wetland in background



Discussion on Resolution No. 2015200, resulted as follows:

Legislator Tyner made a motion to add the following:

RESOLVED, that the Dutchess County Legislature request that the Dutchess County Department of Public Works issue a formal public Request for Proposal for a no money down power purchase agreement for all county properties in Dutchess County.

The foregoing amendment failed for lack of a second.

The foregoing resolution was unanimously adopted with Legislators MacAvery, Ignaffo, Pulver, and Strawinski being absent.

Environment Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	✓	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	absent	
District 3 - Town of LaGrange	Borchert		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 14 - Town of Wappinger	Amparo		
District 17 - Town and Village of Fishkill	Miccio (C)		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver (VC)	absent	
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey	absent	
Present: <u>9</u>	Resolution: <u>✓</u>	Total : <u>9</u>	<u>0</u>
Absent: <u>3</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015200 AUTHORIZE ADOPTION OF FULL ENVIRONMENTAL ASSESSMENT FORM AND NEGATIVE DECLARATION IN CONNECTION WITH THE INSTALLATION OF A 2.473 Mw GROUND MOUNTED PHOTOVOLTAIC ARRAY SYSTEM AT THE DUTCHESS COUNTY AIRPORT

Date: August 6, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	absent	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	absent	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	absent	
District 20 - Town of Red Hook	Strawinski	absent	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		

Present: 21
 Absent: 4
 Vacant: 0

Resolution: ✓
 Motion: ✓

Total:
 Yes No
 Abstentions:

Legislator Tyner moved the foregoing amendment:
 RESOLVED, that the Dutchess County Legislature requests that the Dutchess County Department of Public Works issue a formal public Request for Proposal for a no money down power purchase agreement for all county properties in Dutchess County.
 Amendment failed for lack of a second.
 2015200
 8-10-15

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison	✓	
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	absent	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	absent	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	absent	
District 20 - Town of Red Hook	Strawinski	absent	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		
Present: <u>21</u>	Resolution: <u>✓</u>	Total: <u>21</u>	<u>0</u>
Absent: <u>4</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015200 AUTHORIZE ADOPTION OF FULL ENVIRONMENTAL ASSESSMENT FORM AND NEGATIVE DECLARATION IN CONNECTION WITH THE INSTALLATION OF A 2.473 Mw GROUND MOUNTED PHOTOVOLTAIC ARRAY SYSTEM AT THE DUTCHESS COUNTY AIRPORT

Date: August 10, 2015

RESOLUTION NO. 2015201

RE: STEPPING UP INITIATIVE

Legislators ROMAN, FLESLAND, PULVER, ROLISON, BOLNER, STRAWINSKI, PERKINS, JETER-JACKSON, SAGLIANO, WEISS, HUTCHINGS, HORTON, IGNAFFO, AMPARO, JOHNSON, and FARLEY offer the following and move its adoption:

WHEREAS, The National Association of Counties (NACo), the Council of State Governments (CSG) Justice Center and the American Psychiatric Foundation have joined together to lead a national initiative to help advance efforts to reduce the number of adults with mental health, chemical dependency and co-occurring disorders in local jails, and

WHEREAS, the initiative asks counties to pass Resolutions to raise awareness of the factors contributing to the over representation of people with mental health issues in our jails and to help share effective practices and strategies, and

WHEREAS, The National Association of Counties (NACo) estimates that counties routinely provide treatment services to the estimated 2 million people with serious mental illnesses booked into jail each year, and

WHEREAS, prevalence rates of serious mental illnesses in jails are three to six times higher than for the general population, and

WHEREAS, almost three-quarters of adults with serious mental illnesses in jails have co-occurring substance use disorders, and

WHEREAS, without the appropriate treatment and services, people with mental illnesses continue to cycle through the criminal justice system, and

WHEREAS, Dutchess County takes pride in their responsibility to protect and enhance the health, welfare and safety of its residents in efficient and cost-effective ways, and

WHEREAS, the County has a Criminal Justice Council that engages in a collaborative process of information sharing to maximize resources using research-based practices, and

WHEREAS, the Criminal Justice Council has created a Special Populations Committee to examine effective practices and programs for individuals with behavioral health needs, and

WHEREAS, the Criminal Justice Council has also created a Diversion Committee to address the needs of individuals with behavioral health issues and this Committee has taken steps to create a Crisis Stabilization and Wellness Center to divert eligible individuals from the jail and hospitalization, and

WHEREAS, this Center is modeled after the successful Bexar County, Texas model, and

WHEREAS, the Diversion Committee has arranged for Crisis Intervention Training for law enforcement personnel in the County to equip them with the knowledge and skills necessary to deal with individuals exhibiting severe behavioral health issues, and

WHEREAS, the Department of Mental Hygiene has a jail-based behavioral health team, a mobile crisis team and other resources to assist those in need of services, and

WHEREAS, the Office of Probation and Community Corrections has mental health professionals on-site to assess and offer services for adults and juveniles with behavioral health issues, and

WHEREAS, the County has designed a multi-agency jail-based program, known as RESTART, that has programming for behavioral health needs with a strong community transition component, and

WHEREAS, the County, through its Criminal Justice Council, will continue to explore research-based approaches, examine data to enhance decision-making and determine which programs and initiatives will help to achieve our goals, and

WHEREAS, evidence-based assessment and treatment will guide decision-making at the system, program and case levels to safely reduce the number of people with behavioral health issues in jail, and

WHEREAS, through the *Stepping Up* initiative, the National Association of Counties, the Council of State Governments Justice Center and the American Psychiatric Foundation are encouraging public, private and nonprofit partners to reduce the number of people with mental health, chemical dependency and co-occurring disorders illnesses in jails, now, therefore, be it

RESOLVED, that the Dutchess County Legislature does hereby join the Call to Action to reduce the number of people with mental health, chemical dependency and co-occurring disorders in our county jail, commit to sharing lessons learned with other counties in support of this national initiative and encourage all county officials, employees and residents to participate in *Stepping Up*.

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date

8/15/2015

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Discussion on Resolution No. 2015201, resulted as follows:

Legislator Tyner made a motion to add the following:

RESOLVED, that the Dutchess County Legislature requests that the Dutchess County Criminal Justice Council work quickly with judges and justices in Dutchess County towards the release of three dozen Dutchess County jail inmates now incarcerated though merely with non-violent drug possession, and

The foregoing amendment failed for lack of a second.

Legislator Tyner made a motion to add the following:

RESOLVED, that the Dutchess County Legislature requests that the Dutchess County Sheriff's Office, New York State Trooper Barracks, and city, town, village police departments in Dutchess County publicize and offer that anyone bringing in drugs will be offered drug treatment instead of incarceration, and

The foregoing amendment failed for lack of a second.

The foregoing resolution was unanimously adopted with Legislators MacAvery, Ignaffo, Pulver, and Strawinski being absent.

Public Safety Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 4 - Town of Hyde Park	Ignaffo		
District 5 - Town of Poughkeepsie	Roman (C)		
District 9 - City of Poughkeepsie	Johnson		
District 12 - Town of East Fishkill	Weiss		
District 21 - Town of East Fishkill	Horton		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes (VC)		

Present: 11

Resolution: ✓

Total : 11

0

Absent: 1

Motion:

Abstentions: 0

Yes
No

Vacant: 0

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	<i>absent</i>	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
District 20 - Town of Red Hook	Strawinski	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		

Present: 21

Absent: 4

Vacant: 0

Resolution: *[initials]*

Motion: *[initials]*

Total : _____

Yes _____ No _____

Abstentions: _____

Tyner Amendment - FAILED FOR LACK OF SECOND

Resolved, that the Dutchess County Legislature requests that the Dutchess County Criminal Justice Council work quickly with judges and justices in Dutchess County towards the release of three dozen Dutchess County jail inmates now incarcerated though charged merely with non-violent drug possession, and

Resolution No. 2015201

August 10, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	<i>absent</i>	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
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District 14 - Town of Wappinger	Amparo		
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District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
District 20 - Town of Red Hook	Strawinski	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		

Present: 21
 Absent: 4
 Vacant: 0

Resolution: ✓
 Motion: ✓

Total :
 Yes No
 Abstentions:

Tyner Amendment - FAILED FOR LACK OF SECOND

Resolved, that the Dutchess County Legislature requests that the Dutchess County Sheriff's Office, New York State Trooper Barracks, and city, town, village police departments in Dutchess County publicize and offer that anyone bringing in drugs will be offered drug treatment instead of incarceration, and

Resolution No. 2015201
 August 10, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
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District 16 - Town of Fishkill and City of Beacon	MacAvery	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	<i>absent</i>	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
District 20 - Town of Red Hook	Strawinski	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		

Present: 21
 Absent: 4
 Vacant: 0

Resolution: ✓
 Motion:

Total : 21 0
 Yes No
 Abstentions: 0

RESOLUTION NO. 2015202

RE: CONFIRMING NEW APPOINTMENTS AND REAPPOINTMENTS
TO THE TRAFFIC SAFETY BOARD

Legislators ROMAN, BOLNER, STRAWINSKI, MAC AVERY, HORTON, SAGLIANO, JETER-JACKSON, WEISS, and FARLEY offer the following and move its adoption:

WHEREAS, pursuant to Local Law No. 8 of 1977, a Dutchess County Traffic Safety Board was established, and

WHEREAS, in accordance with said Local Law, members to the Board shall be appointed by the County Executive pursuant to Section 3.02(e) of the County Charter, subject to confirmation of the Legislature, and

WHEREAS, vacancies presently exist on the Board and the terms of Steven Minard, Vince Bellino, Stephen Gill, Paul Bonfiglio, Emily Dozier, John McKinney, Jr., Neil Garrison, Joe Ryan, Robert Simpson, Daniel Dowd, and William Steenbergh have expired, and

WHEREAS, vacancies remain after the aforementioned reappointments, therefore, new appointments of Todd Jicha, Ann Rush, John Healy, and Anthony Russo, are necessary, and

WHEREAS, the County Executive has made appointments and reappointments and has appointed the following individuals to fill vacancies, now, therefore, be it

RESOLVED, that the appointments and reappointments to the Traffic Safety Board of the following individuals, to serve without compensation, except for reimbursement of reasonable and necessary expenses incurred in the performance of their duties, is confirmed:

REAPPOINTMENTS:

William A. Steenbergh
17 Roe Drive
Hyde Park, NY 12538

Two-year term running through 12/31/15

Emily S. Dozier, AICP
10 Watson Road
Poughkeepsie, NY 12603

Two-year term running through 12/31/15

Paul Bonfiglio
5 Taconic Street
Poughkeepsie, NY 12603

Two-year term running through 12/31/15

Stephen Gill
626 Dutchess Turnpike
Poughkeepsie, NY 12603

Two-year term running through 12/31/15

John McKinney, Jr.
269 Baxtertown Road
Fishkill, NY 12524

Two-year term running through 12/31/15

James Rapoli
47 Willets Dr.
Red Hook, NY 12571

Two-year term running through 12/31/15

Vince Bellino
28 Tom's Way
Lagrangeville, NY 12540

Two-year term running through 12/31/15

Robert W. Simpson
30 Pine Echo Drive
Poughkeepsie, New York 12601

Two-year term running through 12/31/15

Steven Minard
19 S. Fowlerhouse Road
Wappingers Falls, NY 12590

Two-year term running through 12/31/15

Neil Garrison
16 Memory Lane
Poughkeepsie, NY 12603

Two-year term running through 12/31/15

Daniel Dowd
1 Municipal Plaza, Suite 3
Beacon, NY 12508

Two-year term running through 12/31/15

Norm Fenichel
11 Old Mill Road
Poughkeepsie, NY 12603

Two-year term running through 12/31/17

APPOINTMENTS:

Todd Jicha
P.O. Box 5042
Poughkeepsie, NY 12602

Two-year term running through 12/31/17

Ann Rush
387 Main Street
Poughkeepsie, NY 12601

Two-year term running through 12/31/17


John Healy
105 Balsam Square
Poughkeepsie, NY 12601

Two-year term running through 12/31/17

Anthony Russo
63 Colonial Drive
Poughkeepsie, NY 12603

Two-year term running through 12/31/17

CA-122-15
kvh/G-202
7/14/15

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 8/18/2015


STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE



Police Department Town of Poughkeepsie

19 Tucker Drive
Poughkeepsie, New York 12603

Thomas Mauro
Chief of Police
845-485-3660

Paul Lecomte
Detective Captain
845-485-3670

Ronald J. Spero, Jr.
Patrol Captain
845-486-7825

March 5, 2010

Dutchess County Traffic Safety Board
1351 Route 55, Room 107
LaGrangeville, New York 12540

Attention: Mr. William Johnson

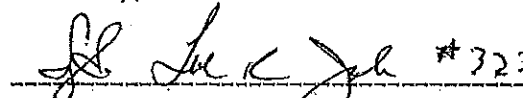
Dear Mr. Johnson,

Sergeant Kevin Faber, the Traffic Division Sergeant, has been promoted to Lieutenant and is no longer assigned to the Town of Poughkeepsie Police Department Traffic Division.

I have been assigned as the Traffic Division Sergeant. I respectfully request to become a member of the Dutchess County Traffic Safety Board.

Please see my attached resume.

Sincerely,

 *323

SGT TODD R. JICHA #323

TOWN OF POUGHKEEPSIE POLICE DEPARTMENT

TRAFFIC DIVISION

19 TUCKER DRIVE

POUGHKEEPSIE, NY 12603

TEL: 845-485-3680

FAX: 845-486-7862

SGT. TODD R. JICHA #323

P. O. BOX 5042 POUGHKEEPSIE, NEW YORK 12602 • (845) 229-0118 or (914) 474-8056

e-Mail: tjicha@aol.com

SUMMARY OF QUALIFICATIONS

Accomplished Law Enforcement professional, Certified Police Instructor and Expert Witness offering extensive experience with day-to-day law enforcement operations.

Extensive experience serving as an educator, instructor and advisor. Strong leadership and supervisory qualifications. Adept with accident reconstruction, site investigation and analyses. Strengths and core competencies include:

- ♦ Law Enforcement Operations
- ♦ Departmental Policies & Procedures
- ♦ Leadership & Supervision of Staff
- ♦ Expert Court Testimony & Advisor
- ♦ Report Writing, Review & Approval
- ♦ Traffic Accident Scene Investigations

Knowledge of modern police methods and procedures. Proven skill with crime scene and evidence preservation. Proactive and team-oriented. Effective presentation skills. Firearm's Instructor and General Topics Instructor.

PROFESSIONAL EXPERIENCE

TOWN OF POUGHKEEPSIE POLICE DEPARTMENT, Poughkeepsie, NY

1983-present

Twenty-four (24+) year career advancing through progressively responsible positions with this municipal police department. Deliver contributions in instruction, expert testimony and traffic accident reconstruction.

Police Officer - Traffic Division; 1992-present

- *Traffic Accident Reconstructionist* investigating serious personal injury and fatal motor vehicle crashes.
- *Provide expert testimony in court. Advisor to District Attorney's Office and surrounding police agencies.*
- *Assigned to the Town of Poughkeepsie Police Patrol Division Crime Scene Technician Unit (2000-present) and the Town of Poughkeepsie Police Department Patrol Rifle Program (2005-present).*
- *Experience serving as Acting Sergeant, Certified Police Instructor and General Topics Instructor.*
- *Firearm's Instructor (2005-present). Child Safety Seat installation program participant (2000-present).*
- *Diversified experience conducting weapons inspections on department handguns (2005-present).*
- *Maintain department shotguns (2007-present). Maintained department's Breath Test Instruments (1992-02).*
- *Assigned to the Patrol Division (1983-92).*

OTHER

Rockland County Police Academy; Instructor - Crash Management & Reporting; 2000-present
Dutchess County Sheriff's Department, Poughkeepsie, NY, Correction Officer; 1982-83.

AWARDS

Highway Safety Award - Dutchess County STOP-DWI; 2000
Outstanding Police Officer Award - Dutchess County STOP-DWI; 1997 & 1999

EDUCATION

B.S., Criminal Justice, Mercy College, Dobbs Ferry, NY; 1982 (Minor: Psychology)
A.A.S., Criminal Justice, Dutchess Community College, Poughkeepsie, NY; 1979
Municipal Police Training Council - Basic Course for Police Officer & Peace Officer; 1983
New York State Commission of Correction, Albany, NY - Correction Officer Basic Training; 1983
Professional Development Training - See Addendum

CERTIFICATIONS

New York State Certified Police Instructor

MILITARY

United States Marine Corps, Non-Commissioned Officer; 1974-77 (Supervised staff of 40)

AFFILIATIONS

New York Statewide Traffic Accident Reconstructionist Society

REFERENCES

Available upon request.

SGT. TODD R. JICHA #323

P. O. BOX 5042, POUGHKEEPSIE, NEW YORK 12602 • (845) 229-0118 or (914) 474-8056
e-Mail: tjicha@aol.com

ADDENDUM

PROFESSIONAL DEVELOPMENT TRAINING

Accident Reconstruction Training

Pedestrian / Bicycle Accident Investigation
Motorcycle Accident Investigation
Traffic Accident Reconstruction
Advanced Traffic Accident Investigation
Advanced Scene Investigation Course
Basic Crash Management Course

Police Training

Prosecuting Vehicle and Traffic Law Infractions Course
Crash / Crime Scene Measurement Using the LTI Laser
Radar / Lidar Instructor Course
Traffic Crash Scene Evidence Preservation for First Responders
An Introduction to the Nature and Dynamics of Domestic Violence
AR-15 Carbine Instructor Course (*Patrol Rifle*)
Bicycle Rodeo Train the Trainer
Courtroom Survival Conference
Safe Routes to School Conference
Firearms Instructor's School
Commercial Vehicle Enforcement Seminar
Drugs That Impair Driving Course
D.W.I. Detection and Standardized Field Sobriety Testing Course
Incident Response to Terrorist Bombings Awareness Course
General Topics Instructor Course
Verbal Judo Tactical Communications Course
Specialized Course of Instruction on Field Interviewing
Rapid Deployment Training
Certified Child Passenger Safety Seat Technician Course
Crime Scene and Evidence Specialist Course
Crime Scene Video
Crime Scene Photography
Basic Photography
Datamaster Certified Breath Test Operator
Impaired Driver Recognition (*Nystagmus*) Program
Hazardous Material Awareness
S. & W. 900-A Breathalyzer Certified Breath Test Operator
Dopler and Lidar Traffic Radar Certified Operator

Ann Block Rush

Dutchess County Department of Health, 85 Civic Center Plaza, Poughkeepsie, NY 12601, 486-3562

18 Elizabeth Drive, Tivoli, NY 12583, 594-7118

I have very much enjoyed my tenure on the STOP DWI Board. I have learned a great deal and am able to share this vital information with the Health Planning & Education staff at the DOH.

I have worked closely with Bill Johnson on many ventures and when I represent the DOH at community events and health fairs, I also represent both STOP DWI and the Traffic Safety Boards. Bill and I coordinate materials for these events and the combination of the three entities provides much needed information to the public. This coordinated effort has been very successful and I look forward to the opportunity to continue serving on the STOP DWI Board.

Education

1969	AA (Psychology/ English), Vermont College
1971	BA (Psychology/English), Franklin Pierce College
1975	AAS (Nursing), Dutchess Community College

Work Experience

July 2012 – present	Public Health Education Coordinator, Dutchess County Department of Health
Jan 2007 –May 2012	Executive Assistant, Marcus Molinaro, NYS Assembly
1996 – 2005	Executive Assistant, Marcus Molinaro, Mayor, Village of Tivoli
1989 – 2006	Principle, Anden Communications, Quest Consulting
1978 – 1983	Continuing Treatment Center, Dutchess County Department of Mental Hygiene
1971 – 1978	Wassaic Developmental Center

MARCUS J. MOLINARO
COUNTY EXECUTIVE



MICHAEL C. CALDWELL, MD, MPH
COMMISSIONER

COUNTY OF DUTCHESS
DEPARTMENT OF HEALTH

February 7, 2013

William Johnson, Coordinator
Dutchess County STOP-DWI/Traffic Safety
625 Dutchess Turnpike, Room 103
Poughkeepsie, NY 12603

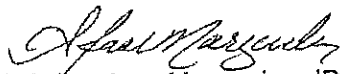
Dear Bill,

The Dutchess County Department of Health is pleased to nominate Ann Rush, Public Health Education Coordinator, as its representative to serve on both the Traffic Safety and the STOP-DWI Planning Boards.

As you know, the mission of the Dutchess County Department of Health is to assess, protect, and promote the health of our communities and our environment; we believe that our participation in these two boards will help enhance our effort in the area of injury prevention.. Ann will be working in the area of injury prevention and has expressed interest in participating as a member of these two boards.

Thank you for your consideration in this matter.

Sincerely,


Sabrina Jaar Marzouka, JD, MPH
Assistant Commissioner for Administration

SJM:emd

John Healy
~~8 Seaman Rd.~~ 105 Balsam Square
Poughkeepsie, NY 12601
845-389-9583

Education: PD: Educational Administration,
The College of New Rochelle
New Rochelle, NY 10805

M.B.A. Human Resource Management,
Manhattan College,
Riverdale, NY 10471

B.S. Business Management and Economics
State University of New York,
New Paltz, NY 12561

Experience: Associate Middle School Principal: 8/2004 – present
Union Vale Middle School
1657 E. Noxon Rd
Lagrangeville, NY 12540

Oversee all day to day activities and functions for this comprehensive middle school of 1,000 students and 120 teaching and support staff. As well, I am the Safety Officer for this campus.

Director and Teacher: 3/77 to Present
Mid Hudson Safety Associates, Inc.
8 Seaman Rd.
Poughkeepsie, NY 12601

Taught and oversee the instruction of traffic safety in a six county region including:
Defensive Driving
Pre-Licensing Programs
In-car instruction

Assistant Principal: 8/94 – 2004
Arlington Middle School
601 Dutchess Turnpike
Poughkeepsie, NY 12603

Assisted in all aspects and functions of this Middle School including that of Safety Officer.

Principal: 8/92 – 8/94
Livingston Manor Middle/High School
School Street
Livingston Manor, NY 12758

Conducted all aspects school administration of this small rural school.

Assistant Principal: 9/87 - 8/92
Circleville Middle School
P.O. Box 143
Circleville, NY 10919

~~Assisted in all aspects of school administration~~

Chairperson and Teacher: 10/84 - 8/87
Beacon High School
72 Fishkill Ave.
Beacon, NY 12508

Chaired and taught 16 different programs in the Business Department of the high school as well as oversee the program in the middle school.

Anthony P. Russo

63 Colonial Drive
Poughkeepsie, NY 12603
Home phone: 845-483-0151
Cell phone: 914-393-3099

WORK EXPERIENCE

December 1988 - Present:

AKRF Planning Consultants, Inc., AKRF Environmental Consultants, and AKRF Engineering, P.C., New York City and Westchester County

Vice President. Served as project manager for real estate development, engineering, planning, and environmental projects for both private and public sector clients. Manager in charge of a staff of 10 planners, engineers, and scientists assigned to my department. Manager in charge of field crews of 10 to 100 people collecting engineering and environmental data. In addition, manager of the administrative, production, and word processing staff in one of the firm's satellite offices.

As Technical Director I have been responsible for the following tasks:

- Writing proposals and assembling project teams.
- Making presentations to planning boards, town boards, and the general public to explain and defend clients' development projects.
- Conducting workshops with the government agencies and the general public to discuss community concerns and issues related to clients development projects.
- Developing a good working relationship and rapport with developers' project teams of attorneys and other professionals in order to guide the project through the review and approval process and ultimately to the construction phase.
- Day-to-day management of the office staff.
- Schedule and manage employee work load and project assignments.
- Responsible for the quality control of the staff's technical work, including report writing and presentation work.
- Managing budgets and collections for numerous company projects.

In the capacity of Technical Director I have become proficient with/knowledgeable about the following:

Special Areas of Knowledge

- | | |
|---|---|
| • Planning issues (e.g., land use, zoning, government and public policy, etc.). | • Construction management, field inspection and monitoring. |
| • Hazardous materials engineering. | • Civil engineering. |
| • Real estate development. | • Project management. |
| • Transportation planning and engineering. | • Preparation of Environmental Impact Statements. |

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Cell phone: 914-393-3099

• Staff training and development.

• Effective techniques for public outreach.

June 1986 - December 1988: TAMS Consultants, New York City

Planner/Engineer. Managed traffic and civil engineering data collection, data reduction, and report preparation of an Environmental Impact Statement for the redevelopment of the Mill Basin Waterfront in Brooklyn and a project located in the Melrose section of the Bronx.

Summer 1986: STV Engineers, New York City and the Bronx

Assistant Civil Engineer. Conducted inspections of field operations and performed calculation and estimates of a multimillion-dollar rehabilitation design project.

Summer 1985: New York City Department of Environmental Protection, The Bronx

Water Main Inspector. Performed water main inspection, maintained field notebooks, and served as contract coordinator between the city and construction vendors.

EDUCATION

Manhattan College. Master of Business Administration, Concentration in Management Information Systems (MIS), 1990

Manhattan College. B.E., Civil Engineering, 1986.

Institute of Transportation Engineers (ITE) & American Society of Civil Engineers (ASCE).
Continuing Education Courses in Management and Engineering.

MEMBERSHIP IN PROFESSIONAL ORGANIZATIONS

Chi Epsilon, National Civil Engineering Honorary Society

Delta Mu Delta, National Business Honorary Society

American Society of Civil Engineers

Institute of Transportation Engineers

Public Safety Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	absent	
District 1 - Town of Poughkeepsie	Nesbitt		
District 4 - Town of Hyde Park	Ignaffo		
District 5 - Town of Poughkeepsie	Roman (C)		
District 9 - City of Poughkeepsie	Johnson		
District 12 - Town of East Fishkill	Weiss		
District 21 - Town of East Fishkill	Horton		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes (VC)		
Present: <u>11</u>	Resolution: <u>✓</u>	Total : <u>11</u>	<u>0</u>
Absent: <u>1</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015202 CONFIRMING NEW APPOINTMENTS AND REAPPOINTMENTS TO THE TRAFFIC SAFETY BOARD

Date: August 6, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	absent	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	absent	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	absent	
District 20 - Town of Red Hook	Strawinski	absent	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		
Present: <u>21</u>	Resolution: <u>✓</u>	Total: <u>21</u>	<u>0</u>
Absent: <u>4</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015202 CONFIRMING NEW APPOINTMENTS AND REAPPOINTMENTS TO THE TRAFFIC SAFETY BOARD

Date: August 10, 2015

RESOLUTION NO. 2015203

RE: AUTHORIZING PAYMENT OF 2014 UNENCUMBERED
VOUCHERS FROM 2015 FUNDS – HUMAN RESOURCES/
RISK MANAGEMENT (A.1910.12)

Legislators BORCHERT, MAC AVERY, JETER-JACKSON, and FARLEY
offer the following and move its adoption:

WHEREAS, the submission of vouchers following the close of the 2014 budget year has shown that there are outstanding 2014 payment invoices in the Department of Human Resources/Risk Management in the sum of \$110,300 for services to said department which were not billed until 2015 and there were no 2014 encumbered funds remaining to pay this bill, and

WHEREAS, said charges were proper except that appropriations that were made were left unencumbered at the end of the close out date for submission for 2014, and

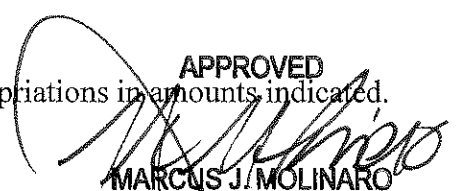
WHEREAS, the charges reflected by said vouchers remain unpaid, and

WHEREAS, the State Comptroller has, pursuant to County Law Section 362, expressed the opinion that claims for services rendered to a county in an earlier year may be paid in a later year if the contracts were valid when made and if there are moneys legally available to be used for such purposes (Opinion 69-686), now, therefore, be it

RESOLVED, that payment from 2015 funds is hereby approved from the following account in the amount indicated:

<u>Line Item No.</u>		<u>Amount</u>
A.1910.12.4444	Attys/Assgnd Counsel	\$110,300
CA-121-15		
kh/G-0749		
7/10/15		

Fiscal Impact attached: Reduction of 2015 appropriations in amounts indicated.

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

Date 8/14/2015

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ 110,300

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one): ☒ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): \$110,300
Over Five Years: _____

Additional Comments/Explanation:

This resolution authorizes necessary payment of prior year bill with existing funds to cover outstanding assigned counsel invoices related to the defense of Bozella vs. County of Dutchess.

Prepared by: Rachel Kashimer, Budget Office

Prepared On: 7/9/2015

Budget, Finance, and Personnel Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano(VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 22 - Towns of Beekman and Union Vale	Hutchings		

Present: 11
 Absent: 1
 Vacant: 0

Resolution: ✓
 Motion:

Total : 11 0
 Yes No
 Abstentions: 0

2015203 AUTHORIZING PAYMENT OF 2014 UNENCUMBERED VOUCHERS FROM 2015 FUNDS – HUMAN RESOURCES/RISK MANAGEMENT (A.1910.12)

Date: August 6, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	<i>absent</i>	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
District 20 - Town of Red Hook	Strawinski	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		
Present: <u>24</u> <i>0</i>	Resolution: <u>✓</u>	Total: <u>21</u>	<u>0</u>
Absent: <u>4</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015203 AUTHORIZING PAYMENT OF 2014 UNENCUMBERED VOUCHERS FROM 2015 FUNDS – HUMAN RESOURCES/RISK MANAGEMENT (A.1910.12)

Date: August 10, 2015

RESOLUTION NO. 2015204

RE: PUBLIC AUCTION OF PROPERTIES ACQUIRED BY THE COUNTY
THROUGH IN REM PROCEDURE AND AUTHORIZATION TO EXECUTE
QUITCLAIM DEEDS RETURNING THE PROPERTY BACK TO FORMER
LANDOWNERS PURSUANT TO THE DUTCHESS COUNTY LAND
DISPOSITION POLICY

LEGISLATORS BOLNER, JETER-JACKSON, SAGLIANO, and FARLEY
offer the following and move its adoption:

WHEREAS, pursuant to Article 11 of the Real Property Tax Law in the matter of
the foreclosure of tax liens by proceeding In Rem, the County of Dutchess has acquired title to
certain parcels of real property as listed and annexed hereto on Exhibit "A", and

WHEREAS, by Resolution No. 244 of 1997 the Dutchess County Legislature
adopted a Land Disposition Policy, and

WHEREAS, the Land Disposition Policy grants to the former landowner an
exclusive right to repurchase their former parcels for the payment of all outstanding taxes,
interests, penalties and fees authorized by law, and

WHEREAS, by Resolution No. 2015178, the Dutchess County Legislature
extinguished the former owner's right to re-acquire the property located at Greentree Drive and
Route 9G in the Town of Hyde Park (Tax Map #133200-6165-02-547872-0000) before the
auction, and

WHEREAS, the Commissioner of Finance has recommended the public sale of
the remaining parcels at a public auction to be conducted pursuant to the provisions of this
resolution and the Terms of Sale in essentially the form as annexed hereto as Exhibit "B", and

WHEREAS, Legislative approval is required for the transfer of real property
owned by the County of Dutchess, now, therefore, be it

RESOLVED, that the Commissioner of Finance is hereby authorized and
empowered to sell the parcels listed and annexed hereto, at a public auction to be conducted at
the Poughkeepsie Grand Hotel, Poughkeepsie, New York on or about October 14, 2015, by an
auctioneer under the direction of the Commissioner of Finance, and be it further

RESOLVED, that the Commissioner of Finance shall have the discretion to waive
the fee authorized by RPTL 1102 where deemed economically desirable for the County, and be it
further

RESOLVED, that the Commissioner of Finance shall give public notice of such
sale as she may deem appropriate, and be it further

RESOLVED, that the County Executive and the Clerk of the County Legislature are hereby authorized and empowered to execute quitclaim deeds on behalf of the County of Dutchess conveying the parcels of real property which are either sold at public auction to the purchasers thereof or repurchased by former landowner thereof, and be it further


RESOLVED, that pursuant to Resolution No. 2015178, the former owner of the property located at Greentree Drive and Route 9G in the Town of Hyde Park (Tax Map #133200-6165-02-547872-0000) shall have no right to re-acquire this property before the auction.

CA-132-15

CEN/kvh/R-0324-C

7/20/15

Fiscal Impact: See attached statement

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 8/4/2015


STATE OF NEW YORK

SS:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one): ☐ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☒ Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: Favorable - Parcels will be put back on tax rolls.

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

Prepared by: Heidi Seelbach, Commissioner of Finance

Prepared On: 7/21/15

Exhibit "A"**Assessed Owner (Prior)****Grid Number****Town of Amenia**

1	JEAN-PAUL PERRAULT	132000-7067-16-881285-0000
2	JEAN-PAUL PERRAULT	132000-7067-16-883288-0000
3	CARROLL HELENE	132000-7067-20-932218-0000
4	CUMMINGS DONALD	132000-7164-00-698659-0000
5	CUMMINGS DONALD G	132000-7164-00-991212-0000
6	TOMPKINS JAMES H	132000-7167-13-216456-0000
7	O'CONNELL WILLIAM	132000-7167-14-416355-0000

Town of Beekman

8	PEREIRO RAMON	132200-6558-00-847802-0000
9	FORTE JOHN	132200-6558-12-982657-0000
10	KORWATCH JAMES KORWATCH JENNIFER	132200-6558-12-991574-0000
11	OTTO WILLIAM JR	132200-6659-00-025548-0000
12	298 ATLANTIC LLC	132200-6758-02-747708-0000
13	DALY JOHN	132200-6759-00-451436-0000
14	HALBRO HOLDING CORP	132200-6858-00-320048-0000
15	MAHARAJ-MIKIEL INDRIA	132200-6859-00-720171-0000

Town of Clinton

16	RJR REAL ESTATE HOLDINGS LLC	132400-6469-10-359613-0000
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Town of Dover

17	OMNIUM TREND LLC	132600-6961-00-796523-0000
18	SMITH LESLIE W	132600-7059-02-770554-0000
19	HEARN JULE M HEARN ROBERT M	132600-7063-16-877311-0000
20	OMNIUM TREND LLC	132600-7162-00-506465-0000
21	HEARN DOUGLAS E	132600-7163-13-026441-0000

Town of East Fishkill

22	VIVIANI CATELLO	132800-6357-01-132793-0000
23	WEBB MICHEAL	132800-6357-04-522487-0000
24	HAMILTON DENNIS	132800-6357-04-565178-0000
25	WRUBEL ROSEMARIE WRUBEL STEPHEN J	132800-6454-00-050910-0000
26	WRUBEL ROSEMARIE WRUBEL STEPHEN J	132800-6454-00-095964-0000
27	M V M HOLDINGS LLC	132800-6454-00-759904-0000
28	STANLEY REGINA STANLEY RICHARD	132800-6455-02-694723-0000
29	ZANETTI DANIEL J ZANETTI MICHAEL E	132800-6455-02-735845-0000
30	LAMPI JIM	132800-6456-02-528631-0000
31	CONLON KAREN CONLON MICHAEL J	132800-6457-01-250849-0000
32	PEREIRO RAMON	132800-6457-03-157442-0000
33	WELLS JOHN A	132800-6458-08-755903-0000
34	BOATENG VICTORIA	132800-6459-19-670078-0000
35	BOATENG VICTORIA	132800-6459-19-675079-0000
36	BOATENG VICTORIA	132800-6459-19-680080-0000
37	ERICKSON EDWARD M ERICKSON TERESA M	132800-6555-00-605374-0000
38	JEAN-PAUL PERRAULT	132800-6556-00-713166-0000
39	MCDONALD JAMES S STAUDOHAR KEITH C	132800-6558-02-830784-0000
40	PORTMAN BRETT A PORTMAN LANCE N ETAL	132800-6656-00-270380-0000
41	CARDOZA ANGEL	132800-6656-00-557186-0000
42	GOLISANO DOLORES M GOLISANO SALVATORE	132800-6656-00-984188-0000
43	KOEHLER MARTIN F	132800-6658-03-072328-0000
44	HAMILTON DENNIS L	132800-6755-01-114985-0000
45	TOMPKINS JAMES H	132800-6755-01-345578-0000
46	AVITAL JOHN PAUL	132800-6755-04-504458-0000
47	PEREIRO RAMON	132800-6755-04-586415-0000
48	KARDIAS JAMES	132800-6755-04-627365-0000
49	KONSTANTINOFF VERA	132800-6755-04-905484-0000

Town of Fishkill

50	MUKHERJEE AMIYO	133001-6255-01-209872-0000
51	KALTSOUNIS ROBERT	133089-5953-08-785751-0000
52	AGUILAR EDGAR O	133089-6054-08-978854-0000
53	ZARRILLI GRACE TRUSTEE	133089-6055-02-818809-0000
54	298 ATLANTIC LLC	133089-6154-00-423430-0000
55	COE HARRIET COE LEON	133089-6155-03-225198-0000
56	COE HARRIET COE LEON	133089-6155-03-228203-0000
57	CRAIG CHARLES W DONALD W VERA FREEMAN	133089-6156-02-614531-0000
58	JEAN-PAUL PERRAULT	133089-6255-00-163206-0000
59	SCHENK CHRIS	133089-6256-02-994786-0000
60	PENTZ KAREN A SEE ALAN	133089-6356-01-224617-0000

Town of Hyde Park

61	MIKLER JOY W	133200-6064-02-682958-0000
62	ALLT WILLIAM S JR	133200-6065-04-848296-0000
63	ALLT DOLORES	133200-6065-04-857311-0000
64	ALLT DOLORES	133200-6065-16-800313-0000
65	KELLY CLAIRE RINALDI JOSEPH A	133200-6163-02-597503-0000
66	LE BOUF CAROLYNN D LE BOUF ROBERT H	133200-6163-02-608516-0000
67	JAEGER-ALLT DOLORES	133200-6164-01-009776-0000
68	TOWN CENTRE ESTATES LLC	133200-6165-01-100700-0000
69	TALWAR VINOD K	133200-6165-02-547872-0000
70	ALLT WILLIAM S JR	133200-6165-03-013270-0000
71	TEBBE CHARLES E III	133200-6165-03-147092-0000
	GUERCIO JOHN R JR TRUST GUERCIO MARIE T TRUSTEE	
72	GUERCIO SALLY PIZZARELLI JULIE	133200-6165-03-410431-0000
73	KITOVAS SPIRO	133200-6166-03-477077-0000
74	KITOVAS SPIRO	133200-6166-03-486105-0000
75	KITOVAS SPIRO	133200-6166-04-502122-0000
76	ALLT SEITH	133200-6167-03-002455-0000
77	TAYLOR JOAN K	133200-6167-04-702247-0000
	HEALEY NAOMI FRANCES MESUDA DENISE MESUDA LELA	
78	ELIZABETH MESUDA LIAM PATRICK	133200-6263-01-040620-0000
79	SCOTT RAYMOND C	133200-6263-01-067532-0000
80	WILLIAMS JOHN C WILLIAMS VICTOR	133200-6263-01-195719-0000
81	LANE DOROTHY ANNE	133200-6263-01-202680-0000
82	NEILSON LEA AMANDA G EXECUTRX	133200-6263-03-367390-0000
83	JEAN-PAUL PERRAULT	133200-6264-02-865581-0000
84	DELGADIO TODD R	133200-6264-04-773349-0000
85	WEILLER JEFFREY TRUSTEE	133200-6265-01-204632-0000
86	MEDIAONE OF GREATER N Y INC	133200-6265-03-164133-0000
87	MITCHELL JAMES MITCHELL SANDRA L	133200-6266-19-671024-0000

Town of LaGrange

88	PERRAULT JEAN PAUL	133400-6259-02-581943-0000
89	LAWRENCE ROBERT	133400-6360-01-147952-0000
90	TEDESCO PAUL	133400-6360-02-581685-0000
91	BUECHELE ALVIN BUECHELE VIRGINIA A	133400-6361-03-408492-0000
92	SPIAK WILLIAM	133400-6361-04-883005-0000
93	SWARTZ DORIS E	133400-6362-03-084172-0000
94	MARTINEZ REYNALDO	133400-6459-01-313916-0000
95	SENDZIMIR BERTHE	133400-6460-03-420199-0000
96	SENDZIMIR BERTHE	133400-6460-03-451161-0000
97	ELLIOTT ERNEST F	133400-6460-04-646485-0000
98	CATALIC VICTOR	133400-6461-01-073869-0000
99	VARNEY LESLIE	133400-6462-01-049817-0000
100	AGUILAR EDGAR O	133400-6462-02-638704-0000
101	DECKER KENNETH	133400-6559-02-516672-0000
102	SPADAFORA RONALD	133400-6560-02-501748-0000
103	CEBALLOS MORAYAMA CEBALLOS JUAN	133400-6560-02-593546-0000
104	RW THEW TRUST	133400-6560-03-458092-0000
105	DEMICHIEL MICHAEL J DEMICHIEL SUSAN K	133400-6562-03-456442-0000
106	CUNNINGHAM CUSTOM HOMES INC	133400-6660-01-054609-0000

Town of Milan

107	UNKNOWN	133600-6370-00-750896-0000
108	POTENZA FRANK J	133600-6470-00-174486-0000
109	OMNIUM TREND LLC	133600-6571-02-919555-0000
110	WERN ROBERT	133600-6571-04-848370-0000

111	WERN ROBERT	133600-6571-04-858393-0000
112	SMITH DONNA SMITH GORDON	133600-6571-04-910384-0000
113	SMITH DONNA SMITH GORDON	133600-6571-04-917390-0000

Town of NorthEast

114	CAROTHERS CASEY CAROTHERS ERIKA	133801-7271-18-470194-0000
115	LA MORTE VINCENT LA MORTE VITO	133889-7271-00-758530-0000
116	FINKLE MICHAEL P	133889-7271-05-035765-0000
117	FINKLE MICHAEL P	133889-7271-09-040746-0000

Town of Pawling

118	KONSTANTINOFF VERA	134089-6755-16-916482-0000
119	TURNER FLORENCE LT WORON RUSSELL F RM WORON STANLEY RM	134089-6855-02-685597-0000
120	BECKMANN ALICE	134089-6856-00-125547-0000
121	SLUK LOUISE MAYER	134089-6856-00-761085-0000
122	BATTLE JOSEPH W	134089-6856-05-197831-0000
123	MANNINO GIUSEPPE	134089-6856-13-164498-0000
124	UNKNOWN	134089-6857-00-478332-0000
125	298 ATLANTIC LLC	134089-6957-03-221262-0000
126	HOAG BENJAMIN EST	134089-7057-00-515972-0000
127	BURDEN FRAN BURDEN JOSEPH	134089-7057-10-333591-0000
128	SCHNEIDERMAN ALISON SCHNEIDERMAN HAIG	134089-7158-00-624348-0000

Town of Pine Plains

129	LEE JOAN I	134200-6871-00-413933-0000
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Town of Pleasant Valley

130	BRINK WILBUR F	134400-6363-02-602962-0000
131	SEAMAN STANELY	134400-6363-04-603346-0000
132	TSAMOYDAKIS BARBARA	134400-6365-02-799610-0000
133	SCOTT DONNA M SCOTT JOSEPH M	134400-6464-02-831959-0000
134	MORGAN GEORGE	134400-6464-03-330394-0000
135	LOVELACE JAMES R LOVELACE JOAN J	134400-6564-01-338772-0000
136	WILLIAMS MARJORIE E	134400-6564-03-155424-0000

Town of Poughkeepsie

137	AVITAL JOHN PAUL	134601-6158-14-286314-0000
138	298 ATLANTIC LLC	134689-6063-04-978300-0000
139	TOMPKINS JAMES H	134689-6159-01-153674-0000
140	PROTHRO VIVIAN C	134689-6159-02-695767-0000
141	WHITE DARRIN WHITE TOMASHA	134689-6159-02-996728-0000
142	GRVC PROPERTIES LLC	134689-6159-04-608173-0000
143	GISIANO JOHN (RM) MAZZIOTTO NICHOLAS L LT	134689-6159-04-920477-0000
144	NATHAN-MARCUS KATHRYN	134689-6160-21-064989-0000
145	KELLY SEAN P PORRAZZO COLLEEN A	134689-6161-03-101167-0000
146	RCT ENTERPRISES LLC	134689-6161-07-688870-0000
147	FINCH MARY FINCH ROBERT J	134689-6161-08-844983-0000
148	EKWEREKWU VERONA A	134689-6162-05-093887-0000
149	PINES SIDNEY	134689-6162-05-098868-0000
150	MACDERMOTT RAYMOND J	134689-6162-05-225773-0000
151	CLARKE BONNIE R CLARKE WALTER A	134689-6162-15-658473-0000
152	BOCK NORMA V	134689-6260-01-435839-0000
153	MAKAN LAND DEVLPM-T-ONE LLC	134689-6262-02-934714-0000
154	MAKAN LAND DEVLPM-T-ONE LLC	134689-6262-02-936823-0000
155	MAKAN LAND DEVLPM-T-ONE LLC	134689-6262-02-938687-0000
156	MAKAN LAND DEVLPM-T-ONE LLC	134689-6262-02-939798-0000
157	DM EQUITIES OF NEW YORK LLC	134689-6262-02-940747-0000
158	MAKAN LAND DEVLPM-T-ONE LLC	134689-6262-02-941778-0000
159	MAKAN LAND DEVLPM-T-ONE LLC	134689-6262-02-956884-0000
160	MAKAN LAND DEVLPM-T-ONE LLC	134689-6262-02-982746-0000
161	MAKAN LAND DEVLPM-T-ONE LLC	134689-6262-02-985783-0000
162	MAKAN LAND DEVLPM-T-ONE LLC	134689-6262-02-987833-0000
163	BURDINE BARBARA JANE BURDINE HENRY W	134689-6263-04-665066-0000

Town of Red Hook

164	HADDAD RANDOLPH J	134801-6272-10-250660-0000
165	HADDAD ARTHUR J HADDAD RANDOLPH J	134801-6272-10-277650-0000
166	HADDAD CHRISTIAN G HADDAD RANDOLPH J	134801-6272-10-470720-0000
167	HADDAD CHRISTIAN G HADDAD RANDOLPH J	134801-6272-10-474721-0000
168	HADDAD RANDOLPH J	134801-6272-11-561740-0000
169	HADDAD COLLEEN ROSE HADDAD NICHOLAS C HADDAD RANDOLPH J	134801-6272-11-568722-0000
170	HADDAD NICHOLAS TRUSTEE	134801-6272-11-575746-0000
171	STICKLE EDWARD F	134889-6272-00-045200-0000
172	CHORNEY KARL T III	134889-6272-12-870634-0000

Town of Rhinebeck

174	MACKEY ELIZABETH G	135001-6169-07-620950-0000
175	EUELL PATRICIA EUELL TERRANCE	135089-6169-11-650721-0000
176	CSI DEVELOPERS HOLDINGS 9G LLC	135089-6171-00-797523-0000
177	AGUILAR EDGAR O	135089-6270-00-903921-0000
178	298 ATLANTIC LLC	135089-6371-00-004099-0000

Town of Stanford

179	FONTANELLI BARBARA FONTANELLI HUMBERT C ESTATE	135200-6567-15-672261-0000
180	TUCCILLO JOHN J	135200-6569-00-839901-0000
181	ALLT DOLORES	135200-6869-12-762524-0000

Town of UnionVale

182	PARLIMAN GERALD C	135400-6661-00-525289-0000
183	MANNINO GIUSEPPE	135400-6662-00-124037-0000
184	GRVC PROPERTIES LLC	135400-6862-00-922751-0000
185	MYER CHRISTOPHER E	135400-6962-00-108674-0000

Town of Wappingers

186	MENCONERI ANTONINA	135601-6157-06-332957-0000
187	IGLESIAS MELIZZA	135601-6157-22-213990-0000
188	HESSLER-NORMAN JEAN M	135601-6158-14-302265-0000
189	BLAIR DARRELL E	135601-6158-14-335373-0000
190	298 ATLANTIC LLC	135601-6158-14-470346-0000
191	STEPHANT ELIZABETH	135601-6158-17-139192-0000
192	NEDWELL ELIZABETH	135601-6158-17-149194-0000
193	MANNINO GIUSEPPE	135601-6158-18-363174-0000
194	CRAIG CHAS DONALD Verna FREEMAN	135689-6156-02-603593-0000
195	BARRY TIMOTHY M	135689-6157-01-239875-0000
196	DAGNONG NICHOLAS	135689-6157-01-276805-0000
	MENCONERI ANTONINA LT MENCONERI KATHERINE RM MENCONERI PETER JR RM MENCONERI RAYMOND RM MENCONERI RICHARD RM	135689-6157-01-330935-0000
197		
198	MENCONERI ANTONINA	135689-6157-01-336953-0000
199	MARSHALL MARIE S MARSHALL WESLEY JR	135689-6157-02-582728-0000
200	PASQUALE JANE E	135689-6158-11-607540-0000
201	LOPEZ CHRISTINE	135689-6256-02-718747-0000
202	SARIS EMANUEL F SARIS STEPHANIE V	135689-6257-01-477981-0000
203	ROUTE 55 PROPERTY LLC	135689-6259-02-554893-0000
204	WHITE JUNE S WHITE ROBERT J	135689-6356-01-085825-0000
205	MANNINO GIUSEPPE	135689-6359-02-539693-0000
206	MANNINO GIUSEPPE	135689-6359-04-543283-0000
207	S & Z DEVELOPERS CORP	135689-6359-04-958373-0000
208	GUERRA DANIEL	135689-6459-03-022192-0000

Town of Washington

209	BOOTH DOROTHY A	135801-6764-02-911834-0000
210	DOYLE-SMALLS ANN SMALLS TIMOTHY R	135889-6664-00-984543-0000
211	JAYSON JARROD MANFRO MAUREEN G	135889-6764-00-919760-0000
212	CASTRO ANNE CASTRO JOSE	135889-7063-06-431871-0000

Exhibit "B"

TERMS AND CONDITIONS OF SALE

TERMS FOR INTERNET BIDDING (in addition to standard terms below):

1. **Registration.** All bidders are required to register and to provide suitable I.D. (photo copy acceptable) prior to the auction. Auctioneer reserves the right to decline registration if I.D. is not sufficient. Notarized copy of bidder's signature on copy of bidder's valid driver's license or passport must be provided to auctioneer. **NO EXCEPTIONS.**
2. **Bidder Approval.** Download the "Internet Bidder Registration Packet" from the website (<http://www.nysauctions.com/auctions/IbidReg/Dutchess.pdf>). Complete all required information where highlighted by printing or signing legibly and return all completed documents with the funds described in paragraph two below to auctioneer/broker no later than 12:00 PM (noon) on Tuesday October 13, 2015, Eastern Standard Time. **NO EXCEPTIONS.**
3. **No Recourse.** Internet bidding through our Provider is offered as a service to our customers, and bidders shall not hold Dutchess County and/or Haroff Auction and Realty, Inc. and/or Absolute Auctions & Realty, Inc., responsible for any failure due to the loss of the internet connection supplied to Haroff Auction & Realty Inc. and Absolute Auctions & Realty, Inc. by the Provider.

STANDARD TERMS:

1. **Buyer's Premium.** Purchaser shall pay an eleven percent (11%) buyers premium (a 1% buyer's premium discount will be given for cash or guaranteed funds) in addition to the accepted bid price.
2. **Down Payment.** \$250 or 20% of the total contract price (contract price is the bid price + buyer's premium), whichever is higher, shall be paid as a down payment upon execution of a contract of sale immediately upon being declared the successful high bidder. **ONLY CASH, CREDIT CARD (MASTERCARD, VISA or DISCOVER CARD ONLY), MONEY ORDER OR BANK CHECK (Tellers/Cashiers Check) MADE PAYABLE TO "DUTCHESS COUNTY COMMISSIONER OF FINANCE" WILL BE ACCEPTED. NO EXCEPTIONS.**
3. **Closing Costs.** Purchaser shall pay the following closing costs: Filing Fee for Combined Gains Transfer Tax Affidavit of \$5, Filing Fee of \$5 for Town of Red Hook Transfer Tax, and all recording and other fees required by the Dutchess County Clerk. Fees are subject to change by law without further notice.
4. **Balance Due.** The balance due, including closing costs and the 2015-2016 School Tax, and Village Tax if any, shall be paid by **cash, money order or bank check** made payable to "Dutchess County Commissioner of Finance" on or before **November 10, 2015. Credit Card payment is NOT acceptable for balance due. TIME IS OF THE ESSENCE.** Failure to timely pay balance due shall constitute default and forfeiture of down payment.

5. **Recording Information.** Purchaser shall provide all information necessary for recording the deed and shall execute all required documents prior to close of auction.

6. **Deed.** Conveyance shall be by quitclaim deed, with the description of the property to be by tax grid number. The deed shall be recorded by the County after payment in full, and returned to purchaser by the County Clerk's Office. The County will only issue a deed in the name of the successful bidder, no exceptions.

7. **No Warranty.** (a) All real property, including any buildings thereon, is sold "AS IS", without any representation or warranty whatsoever, and is subject to: 1) any facts a survey or inspection of the parcel would disclose; 2) applicable zoning/land use/building regulations/easements of record or matters of public record; 3) all federal or state taxes, liens, delinquent water and/or sewer rents, other local charges, mortgages or judgments not extinguished from the parcel by foreclosure proceedings.

(b) All informational material such as slides, tax maps, deeds, photos, auction listings, auction catalogs, auction signs, property record cards, and verbal descriptions are for identification purposes only and represent no warranty or guarantee as to accuracy or otherwise.

(c) There is no representation, express or implied, as to condition of parcel, warranty of title, right of access, or suitability for a particular use. RESEARCH BEFORE YOU BID.

8. **No Recourse.** All sales shall be final and without recourse, and in no event shall Dutchess County and/or Haroff Auction & Realty, Inc. and/or Absolute Auction & Realty, Inc., be liable for any defects in title for any cause whatsoever. No claim, demand or suit of any nature shall exist in favor of the purchaser, its heirs, successors or assigns, against Dutchess County and/or Haroff Auction & Realty, Inc. and/or Absolute Auction & Realty, Inc., arising from this sale.

9. **Right of Withdrawal:** By Resolution No. 244 of 1997, the County of Dutchess adopted a Land Disposition Policy which provides that the former landowner has the exclusive opportunity to reacquire his/her property through the payment of all back taxes, fees and incurred interest cost after the conclusion of the *in rem* proceedings but only until 5:00 P.M. on the day prior to the next county auction of properties, subject to approval by the County Legislature. After that time the County shall not remove any properties from auction absent a direction to do so from a court of competent jurisdiction.

10. **Confirmation of Sale.** A bid shall be considered an offer to purchase subject to the acceptance of the County. If the bid is accepted, a contract of sale will be forwarded to the bidder for their records. No bid shall be considered unless the bidder fully complies with the Terms and Conditions of Sale. The following criteria will be used to determine the adequacy of the bid: (a) If the high bid on the parcel at auction meets or exceeds the outstanding taxes, costs, fees, due and owing, and the high bid is not substantially less than the assessed value of the parcel, it shall be accepted, (b) If the high bid fails to meet this standard it may still be accepted by the county after consideration of past auction history, results of the current auction and state of the housing market in the county. (c) If the high bid fails to meet the standards described above it shall be rejected. In all cases, written notice shall be given to the bidder by the Dutchess County Commissioner of Finance. **All balances are due on or before November 10, 2015.**

11. **Personal Property.** No personal property is included in the sale of any parcel by Dutchess County. The disposition of any personal property located on any parcel sold shall be the sole responsibility of the purchaser following the recording of the deed.

12. **Auctioneer.** The auctioneer's decision regarding any disputes is final and the auctioneer reserves the right to reject any bid not considered an appreciable advance over the preceding bid.
13. **Evictions.** Evictions, if necessary, are the sole responsibility of the purchaser following the recording of the deed.
14. **Possession and Entry.** The purchaser shall not take possession of nor enter upon the parcel until recording of the deed by Dutchess County.
15. **Prohibitions.** (a) The owner of a particular parcel immediately prior to the foreclosure action shall not be allowed to bid on that parcel at auction. (b) No person (or spouse) employed in the offices of the County Executive, County Attorney, Finance, Real Property Tax or who is a member of the Dutchess County Legislature or who is an auctioneer, member of his family or his employee shall be allowed to bid upon or purchase a parcel at auction.
16. **No Assignment.** The successful bidder shall have no right to assign the right to complete the purchase. Any attempted assignment shall be void and given no effect by the County.
17. **Risk of Loss Provision.** Buyer assumes risk of loss as of the date final payment is made.
18. **Right to Maintain Order and Decorum.** The auctioneer reserves the right to revoke permission to bid and remove any individual from the auction whose behavior is deemed disruptive to the safe and efficient administration of the auction.
19. **Disqualification for Failure to Execute Bid.** Any bidder including back-up bidders who refuse to execute their bid for a particular parcel, shall be prohibited from bidding for that same parcel in any subsequent round of bidding for said parcel.

I accept these Terms and Conditions of Sale:

Bidder Number

Bidder's Printed Name
Dated:

Bidder's Signature

Budget, Finance, and Personnel Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	absent	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano(VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		✓
District 11 - Towns of Rhinebeck and Clinton	Tyner		✓
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 22 - Towns of Beekman and Union Vale	Hutchings		
Present: <u>11</u>	Resolution: <u>✓</u>	Total : <u>9</u>	<u>2</u>
Absent: <u>1</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015204 PUBLIC AUCTION OF PROPERTIES ACQUIRED BY THE COUNTY THROUGH IN REM PROCEDURE AND AUTHORIZATION TO EXECUTE QUITCLAIM DEEDS RETURNING THE PROPERTY BACK TO FORMER LANDOWNERS PURSUANT TO THE DUTCHESS COUNTY LAND DISPOSITION POLICY

Date: August 6, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	absent	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	absent	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		.
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		✓
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	absent	
District 20 - Town of Red Hook	Strawinski	absent	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		

Present: 21
 Absent: 4
 Vacant: 0

Resolution: ✓
 Motion:

Total: 20 1
 Yes No
 Abstentions: 0

2015204 PUBLIC AUCTION OF PROPERTIES ACQUIRED BY THE COUNTY THROUGH IN REM PROCEDURE AND AUTHORIZATION TO EXECUTE QUITCLAIM DEEDS RETURNING THE PROPERTY BACK TO FORMER LANDOWNERS PURSUANT TO THE DUTCHESS COUNTY LAND DISPOSITION POLICY

Date: August 10, 2015

RESOLUTION NO. 2015205

RE: QUIT CLAIM DEED, PROPERTY IN THE TOWN OF BEEKMAN
ASSESSED UNDER THE NAME OF BAEZ FRANCES MONAHAN
MONAHAN ELLEN
GRID: 132200-6757-00-307095-0000

Legislators BORCHERT, HUTCHINGS, BOLNER, JETER-JACKSON,
SAGLIANO, and FARLEY offer the following and move its adoption,

WHEREAS, unpaid tax on property in the Town of Beekman assessed to BAEZ
FRANCES MONAHAN MONAHAN ELLEN for the levy year 2011 and described as Grid No.
132200-6757-00-307095-0000 amounting to \$13,099.48 was placed on a List of Delinquent
Taxes filed in the Dutchess County Clerk's Office on November 1, 2012 for the tax lien year of
2012, and

WHEREAS, Dutchess County instituted an in rem foreclosure proceeding, Index
No. 2012/6396 to enforce the collection of delinquent tax liens for the levy year 2011 and the
above property was not redeemed within the time prescribed by law, resulting in a judgment of
foreclosure and a deed conveying title of the property to Dutchess County, which deed was
recorded in the Office of the Dutchess County Clerk, July 15, 2014, Document # 02 2014 4088,
and

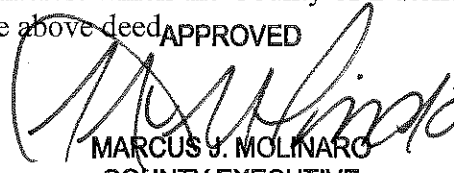
WHEREAS, the sum of \$40,500.00 was tendered to the Dutchess County
Commissioner of Finance in payment of all right, title and interest which the County may have
acquired in and to the above property by reason of the above deed, and in payment of all unpaid
taxes and all other charges due and owing, now, therefore, be it

RESOLVED, that the County Executive and Clerk of the Legislature be and they
are hereby authorized, empowered and directed to make, execute and deliver in the name of the
County of Dutchess and of the Legislature of said County, a quitclaim deed to Jamie J Schmidt,
924 Route 216 Poughquag NY 12570 of any and all interest which the County of Dutchess may
have acquired in and to the said parcel by reason of the above deed

CA-119-15
HS:CM:me
7/7/15
Fiscal Impact: None

STATE OF NEW YORK
COUNTY OF DUTCHESS

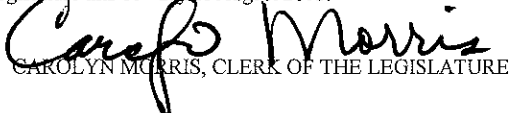
ss:

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 8/14/2015

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution
with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and
that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Budget, Finance, and Personnel Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano(VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 22 - Towns of Beekman and Union Vale	Hutchings		

Present:	<u>11</u>	Resolution:	<u>✓</u>	Total :	<u>11</u>	<u>0</u>
Absent:	<u>1</u>	Motion:	<u> </u>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2015205 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF BEEKMAN ASSESSED UNDER THE NAME OF BAEZ FRANCES MONAHAN, MONAHAN ELLEN

Date: August 6, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	<i>absent</i>	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
District 20 - Town of Red Hook	Strawinski	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		
Present: <u>21</u>	Resolution: <u>✓</u>	Total: <u>21</u>	<u>0</u>
Absent: <u>4</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015205 QUIT CLAIM DEED, PROPERTY IN THE TOWN OF BEEKMAN ASSESSED UNDER THE NAME OF BAEZ FRANCES MONAHAN, MONAHAN ELLEN

Date: August 10, 2015

RESOLUTION NO. 2015206

RE: APPROVAL OF APPLICATION FOR REFUND OF REAL
PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK
BY THE COMMISSIONER OF FINANCE:

APPLICANT: Roman Realty Management Inc.

PO Box 2834

Poughkeepsie NY 12603

ACCOUNT NO.: 134689-6262-02-482769-0000

Legislators BORCHERT, NESBITT, BOLNER, JETER-JACKSON,
SAGLIANO, and FARLEY offer the following and move its adoption:

WHEREAS, there is a misclassification of a property on the assessment roll for
the Town of Poughkeepsie for 2012 under the name of Roman Realty Management Inc. ,
Account No. 134689-6262-02-482769-0000, and

WHEREAS, the owner of said parcel, by application attached hereto, has applied
for a correction of real property taxes on the basis of an alleged error in essential fact, and

WHEREAS, pursuant to Section 556 of the Real Property Tax Law, the County
Director of Real Property has investigated this claim and has found that the Town the local tax
assessor in the Town of Poughkeepsie has made a error in essential fact on said assessment roll ,
and

WHEREAS, attached hereto is the written report of said Director together with
his recommendation that the application be approved by the County Legislature, and

WHEREAS, the County Legislature has agreed that the error in essential fact does
exist, now, therefore, be it

RESOLVED, that the application received July 8, 2015, relating to Account No.
134689-6262-02-482769-0000 for a refund is hereby approved, and be it further

RESOLVED, that the Commissioner of Finance is authorized, empowered and
directed to issue a tax refund to the applicant in the amount of \$6,684.61 and to charge-back the
erroneous taxes on next years levy as follows:


A342 Allowance for Uncollectible Taxes	\$ 254.09
A430 Town of Poughkeepsie	2,413.37
A430 Consolidated Light (CL057)	87.92
A430 Poughkeepsie Library (GL000)	299.40
A440 Arlington CSD	<u>3,629.83</u>
Total	\$6,684.61

and be it further

RESOLVED, that the Clerk of the County Legislature be and is hereby is authorized, empowered and directed to mail a copy of the approved application and this resolution to the applicant.

CA-123-15
MB/kvh G-194

Fiscal Impact: None

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 8/14/2015

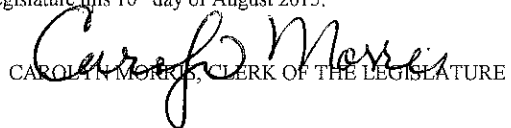
STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.


CAROLYN MORRICE, CLERK OF THE LEGISLATURE

Dutchess County Real Property Tax Service Agency

COE Investigating Report

Le Description (grid #) 134689-6262-02-482769-0000

Owner's Name Roman Realty Management Inc.

Mailing Address PO Box 2834 Poughkeepsie NY 12603

Property Location 124 Bedell Rd.

School District Arlington Central School Dist Special District _____

Total Assessed Value now on roll 598,000 Corrected to Same

Taxable Assessed Value now on roll 598,000 Corrected to Same

Exempt codes and amounts if applicable _____

Amount Levied \$28,659.84 Should be \$21,975.23

Tax Bill Paid? ☒ yes ☐ no Verified with assessor? ☒ yes ☐ no

Error Claimed is defined in Real Property Tax Law, Section 550:

☐ Subdivision 2, Paragraph ____ (clerical error)
☒ Subdivision 3, Paragraph F (error in essential fact)
☐ Subdivision 7, Paragraph ____ (unlawful entry)

Reason:

Exemption was approved by assessor, but not entered on roll ____

Exemption amount incorrectly calculated ____

Assessed value on roll does not match assessor's final work product ____

Structure did not exist on taxable status date or was present on another parcel ____

Assessment based on incorrect acreage ____

Parcel should be Wholly Exempt ____

Parcel Misclassified as homestead, non-homestead or portions misallocated ☒

Other: ____

Recommendation ☒ APPROVE APPLICATION ☐ DENY APPLICATION

Details: It is recommended that the application for a partial refund of the 2012/13 Cnty/Town tax bill be approved.

Investigator Margaret Burns Director Eric Alfano Date 7/13/2015

Dutchess County Real Property Tax Investigative Report for Approval of an Application for Refund of Taxes

Date: July 13, 2015
Name of Applicant: Roman, Ismael
Parcel ID: 134689-6262-02-482769-0000
Location: 124 Bedell Rd., Poughkeepsie, NY 12603

Property owner has requested tax refunds based on following claimed error:


That there was an "Error in Essential Fact" in that the parcel was designated as being in the Non-Homestead class and should have been designated as Homestead, which would have resulted in the application of lower tax rates for Town and School purposes.

The claimed error is for the 2012, 2013, and 2014 assessment/tax rolls. The applicant claims that although the assessment rolls indicated that the building held four dwelling units, the structure had only three, and was therefore "misclassified." RPTL §1901(13) dictates that one, two, and three family dwellings are in the "Homestead," class. All property not specifically defined as Homestead, including dwellings containing more than three units, is classified "Non-Homestead." The property owner provided an Order to Remedy Violation issued by the town's building inspector, which indicated that the house had an apartment added to the attic, and another added in the basement. The Order clearly calls the structure a three-family structure. The assessor has stated, however, that a fourth dwelling unit existed in a former garage space, which was not identified in the original Order. This finished area was adjacent/attached to the main structure.

The assessor has supplied another Order To Remedy Violation issued by the Building Department, along with an architect's floor plan, for a studio apartment in addition to the other three dwelling units. That would have made the structure a four-unit building, which would be correctly classified as Non-Homestead. Subsequently, the property owner provided yet another document from the building inspector showing that the structure did not have a dwelling unit in the garage area. This was based upon the physical inspection by the Building Inspector. That document was dated June 17, 2015, well after the tax status date of all of the assessment roll years in question. During a phone call to the building inspector, Mr. Bruce Flower indicated the "office" area did have all of the amenities of a studio apartment, but that he did not believe that the passageway between the office area and the main house was ever sealed, which he indicated would have been required to call the area an apartment. The Assessor, the Building Inspector, and the property owner all agree that no

inspection of the office area was done at the time of the inspection that resulted in the initial Order to Remedy Violation.

Despite the assessor's contention that a fourth unit existed, there is no documentation from any party indicating they had seen it, and there is documentation from the building department to support the contention that there were only three units in the dwelling. Based on available documents, and the absence of proof to the contrary: The request for a refund of taxes based on a misclassification should be granted.

 7/13/2015

Eric Axelsen, IAO, CCD

Director of Real Property Tax services.



NEW YORK STATE DEPARTMENT OF TAXATION & FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES

RP-556 (1/06)

APPLICATION FOR REFUND AND CREDIT OF REAL PROPERTY TAXES
FOR THE YEAR(S) 20 12/13

Part 1: To be completed in duplicate by Applicant. For refund or credit of real property tax, submit both copies to County Director of Real Property Tax Services (in Nassau and Tompkins Counties, submit to Chief Assessing Officer), or in a village which has retained its assessing unit status, submit to the village assessor or chairman of village board of trustees. The application must be submitted within three years of the annexation of the warrant for the collection of such tax. For an "unlawful entry" as defined in Sec. 550(7)(a) of the Real Property Tax Law, attach statement signed by assessor or majority of board of assessors substantiating that assessor(s) have obtained proof that parcel should have been granted tax exempt status on tax roll. (See definitions on reverse side).

Ismael E Raquel Roman Day (88) 66-3165 Evening () -
1a. Name of Owner 2. Telephone Number
124 Bedell Rd
Roughkeepsie, NY 12663
1b. Mailing Address 3. Parcel Location (if different than 1b.)
iroman1266@gmail.com
1c. E-mail Address (optional)

4. Description of real property as shown on tax roll or tax bill (Include tax map designation)

5. Account No. 6a. Amount of taxes paid or payable 6b. Date of payment
(as appears on tax bill)

7. I hereby request a refund or credit of real property taxes levied for the year(s) by
for the following reasons (use additional sheets if necessary): (Tax levying body)

* Insert name of village, county, city, school district; town in Westchester County

7/8/15 Date Signature of Applicant

PART II: For use by COUNTY DIRECTOR, VILLAGE ASSESSOR: Attach written report including documentation and recommendation (Include type of error as defined in Sec. 550)

Date application received: 7/8/15 Date warrant annexed: 12/17/12

Last day for collection of taxes without interest: Paid 2/25/15

Recommendation: ☒ Approve application* ☐ Deny Application
7/15/2015 Date Signature of Official

* ☐ If box is checked, this copy is for assessor and board of assessment review of city/town/village of
which are to consider attached report and recommendation as equivalent of petitions filed pursuant to section 553.

PART III: For use by TAX LEVYING BODY or OFFICIAL DESIGNATED BY RESOLUTION
(Insert Number or Date)

APPLICATION APPROVED (Check reason) ☐ Clerical error ☐ Unlawful entry ☐ Error in essential fact

Amount of taxes paid: \$ Amount of taxes due: \$

Amount of refund or outstanding tax to be credited: \$

APPLICATION DENIED Reason:

Date Signature of Chief Executive Officer
or Official Designated by Resolution

RECEIVED
2015 JUL -8 PM 1:41
REAL PROPERTY
TAX SERVICES

TO THE DIRECTOR OF REAL PROPERTY TAX SERVICES:

I, Kathleen D. Taber, Assessor of the Town of Poughkeepsie, Dutchess

County do hereby certify that the real property owned by

Roman, Ismael & Raquel Grid 6262-02-482769-0000

shown of the 2012 to 2014 Tax Rolls of the Town of Poughkeepsie/

School District of Arlington School and assessed in the amounts of

598000 and 568500 and the property class classification of 411 is correct.

Therefore, I hereby do/do-not support a recommendation of the Director of Real Property Tax that a new bill or refund be issued for above said parcel.

Attached is documentation for the investigation of the report.

6/15/2015
DATE

Kathleen D. Taber
ASSESSOR

TOWN OF POUGHKEEPSIE

DOCUMENTATION REQUESTED

- | | |
|--|--|
| <input type="checkbox"/> exemption application | <input type="checkbox"/> assessor work book |
| <input checked="" type="checkbox"/> Property record card | <input type="checkbox"/> verified statement from BAR |
| <input type="checkbox"/> Tax Bill | <input type="checkbox"/> Paid Tax Bill |
| <input checked="" type="checkbox"/> Other _____ | |

Sometime in 2011 after final roll-

We were notified by two appraisers that this property had 3 apartments rented with the **main house Occupied by owner**. 1st and 2nd floor (owner occupied) **Attic-** 3rd Floor converted to apartment 2 BR ,kitchen, bath, Living and dining room: **Basement apartment** - 1BR' Kitchen, bath/laundry, living room. There is a playroom used by owner(?) and 2 more BRs. There was a **studio** with Kitchenette between the 2 car and 1 car attached garages. There was no final CO on the house. When I changed parcel from a 210 to a 411, for 2012, the owner did come in and ask why. I informed him of the above conversation with apprasiers and requested an inspection but none was

RECEIVED
2015 JUN 24 AM 11:29
REAL PROPERTY
TAX SERVICES

allowed. (Floor plan attached). **A grievance was never filed by him in 2012, 2013 or 2014.** Only this year when he had to remove all units. (with multiple Tickets issued) was when he filed a grievance. A building Permit #20150206 (attached) to correct issues was not taken out until Feb 11, 2015 and issued Mar 6th 2015 by the Building dept and inspected for final 4/15/2015.

The Building dept was notified in 2012. and an Inspection was done but they were not shown the studio apt between the garages. There were two many other violations they were concerned about. I was just informed by Building(6/19/15) they were still never shown the studio area under the above BP 0206. A order to remedy violation was sent to the owner 6/17/15 for the Studio Apt(see attached)

The Property was in Roman Realty Management Inc. in 2011 until Sept 17/ 2013, when it was transferred into Roman, Raquel N.

RECEIVED
2015 JUN 24 AM 11:29
REAL PROPERTY
TAX SERVICES

BUILDING DEPARTMENT

TOWN OF POUGHKEEPSIE

ONE OVEROCKER ROAD

POUGHKEEPSIE, NY12603

Phone: (845) 485-3655

Fax: (845) 486-7881

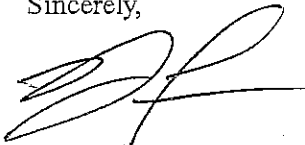
June 25, 2015

Ismael Roman, Jr.
124 Bedell Rd.
Poughkeepsie, NY 12603

Dear Mr. Roman,

On June 17, 2015 I was informed of an additional apartment added to your home on the first floor off of the kitchen. Today I inspected the area in question and is still arranged as per the original building permit plans which are on file. This letter is to confirm the violation has now been removed.

Sincerely,



Bruce Flower
Deputy Building Inspector

Cc; Sara Davis
Kathleen Taber

APPEARANCE TICKET
2008
Zoning Administrator
TOWN OF POUGHKEEPSIE, NEW YORK

Date: September 29, 2014

To: Samuel Bonner, Jr.

Address: 124 Bedell Road

Poughkeepsie, NY 12603

YOU ARE HEREBY DIRECTED TO APPEAR in Town of Poughkeepsie

Justice Court, 17 Tucker Drive, Town of Poughkeepsie, NY on the 15th

day of October, 2014, at 4:30 AM/PM to answer a charge

of violating

Local Law Chapter 210, Section 210-14

- establishing 3 family

dwelling units in a single family

dwelling, etc.

Code of the Town of Poughkeepsie, State of New York

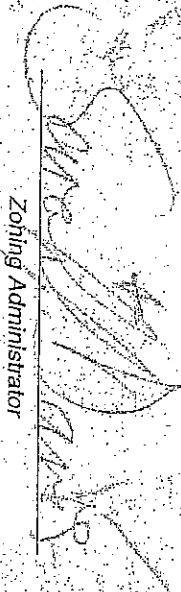
on premises situated 124 Bedell Road

Grid No. 6266-02-482769

on the 29 day of September, 2014

A plea of guilty to this charge is equivalent to a conviction after trial.
Please be advised that you have the right to request a copy of an
information supporting the charge.

YOUR FAILURE TO APPEAR MAY RESULT IN THE ISSUANCE OF A
WARRANT FOR YOUR ARREST.


Zoning Administrator

2015 JUN 10 AM 11:03
REAL PROPERTY
TAX SERVICES

RECEIVED

2012/13

2013 Town Detail Report

SWIS S/B/L 134689 6262-02-482769-0000
 OWNER Roman Realty Management Inc
 ADDRESS 124 Bedell Rd

MAILING ADDRESS PO Box 2834
 Poughkeepsie NY 12603

MUNICIPALITY POUGHKEEPSIE
 SCHOOL DISTRICT ARLINGTON CENTRAL

PARCEL TYPE 411, Apartment
 ROLL SECTION 1
 PARCEL DIMENSIONS Acreage = 5.99

BANK CODE
 ACCOUNT NUMBER
 LAND VALUE 161,500
 TOTAL VALUE 598,000
 PAID DATES 1st 5/31/2013 2nd 3rd

TAX INFORMATION

BILL #: 009934

PROPERTY TAXES - **NON-HOMESTEAD PARCEL**

DETAILS

Tax Item	Total Tax Levy	Prior Year(+/-)	Taxable Assessed Value/Units	Rates per \$1000 or Unit	Tax Amount
Town Outside Tax	\$21,519,178	-2.3%	598,000.00	8.331927	\$4,982.49
County Tax	\$105,853,037	2%	598,000.00	3.453153	\$2,064.99
Arlington Fire			598,000	5.230149	\$3,127.63
Consolidated Light			598,000	0.342644	\$204.90
Pok Lib District			598,000	1.157994	\$692.48
Ret 2012 School Tax			—	1	\$17,397.30
Town Wide Wat Imp			4,600	0.035	\$161.00
Townwide Drain Imp			4,000	0.007263	\$29.05

Total: \$28,659.84

**** Note: Amount displayed is from your ORIGINAL TAX BILL and does not include penalties and additional charges.**

To print this page, click the printer icon on your browser.

POUGHKEEPSIE 2013
Town Tax 2013
Town: 134689 POUGHKEEPSIE

DO NOT PAY - This is a receipt

WE ARE SENDING THIS RECEIPT TO YOU FOR INFORMATION PURPOSES IN ACCORDANCE WITH THE NEW YORK STATE "PROPERTY TAXPAYER'S BILL OF RIGHTS"

BILL NO. 009934
TAX YEAR 2013
NY TAX FN.CD. 102
STATE AID \$945,581
BANK
PER ASSESSMENT ROLE 07/01/2012
SCHOOL CODE 134601

Roman Realty Management Inc
 PO Box 2834
 Poughkeepsie NY 12603

TAX MAP NO: 6262-02-482769-0000
LOCATION: 124 Bedell Rd
DIMENSIONS: Acreage: 5.99
PROPERTY CLASS: 411 Apartment
WARRANT DATE: 12/17/2012

FISCAL YEAR Jan 1, 2013 - Dec 31, 2013

PROPERTY TAXPAYER'S BILL OF RIGHTS

Assessor estimates the FULL MARKET VALUE of property as of 7/01/2012: \$598,000
 The ASSESSED VALUE of this property as of 7/01/2011: \$598,000
 The UNIFORM PERCENT OF VALUE used to establish assessment was: 100.00%

If you think your assessment is too high, you have the right to seek a reduction in the future.
 A publication entitled "Contesting your assessment" is available at the assessor's office and online at
www.tax.ny.gov

EXEMPTION INFORMATION

<u>Exemption</u>	<u>Value</u>	<u>TaxPurpose</u>	<u>Full Value Estimate</u>	<u>Exemption</u>	<u>Value</u>	<u>TaxPurpose</u>	<u>Full Value Estimate</u>
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PROPERTY TAXES

<u>Taxing Purpose</u>	<u>Total Tax Levy</u>	<u>% Change from Prior Year</u>	<u>Taxable Assessed Value</u>	<u>Tax Rate per \$1000</u>	<u>Tax Amount</u>
Town Outside Tax	\$21,519,178	-2.3%	598,000	8.331927	\$4,982.49
County Tax	\$105,853,037	2%	598,000	3.453153	\$2,064.99
Arlington Fire	\$15,444,334	0 %	598,000	5.230149	\$3,127.63
Consolidated Light	\$441,105	-8.2 %	598,000	0.342644	\$204.90
Pok Lib District	\$1,481,499	-3 %	598,000	1.157994	\$692.48
Ret 2012 School Tax	\$0	0 %	17,397	1	\$17,397.30
Town Wide Wat Imp	\$0	0 %	4,600	0.035	\$161.00
Townwide Drain Imp	\$0	0 %	4,000	0.007263	\$29.05
INTEREST1					\$191.07
REMINDER1					\$0.00

PAID: 5/31/2013	\$9,744.35
PAID:	\$0.00
PAID:	\$0.00
TOTAL AMOUNT PAID	\$9,744.35

2012 School Detail Report

SWIS S/B/L 134689 6262-02-482769-0000
 OWNER Roman Realty Management Inc
 ADDRESS 124 Bedell Rd

MAILING ADDRESS PO Box 2834
 Poughkeepsie NY 12603

MUNICIPALITY POUGHKEEPSIE
 SCHOOL DISTRICT ARLINGTON CENTRAL

PARCEL TYPE 411, Apartment
 ROLL SECTION 1
 PARCEL DIMENSIONS Acreage = 5.99

BANK CODE
 ACCOUNT NUMBER
 LAND VALUE 161,500
 TOTAL VALUE 598,000
 PAID DATE

TAX INFORMATION
 BILL #: 003234
 PROPERTY TAXES - **NON-HOMESTEAD PARCEL**

DETAILS

Tax Item	Total Tax Levy	Prior Year(+/-)	Taxable Assessed Value/Units	Rates per \$1000 or Unit	Tax Amount
School Taxes	\$128,257,449	1.9%	598,000.00	27.189239	\$16,259.16
Total:					\$16,259.16

021119075 12,629.33

**** Note: Amount displayed is from your ORIGINAL TAX BILL and does not include penalties and additional charges.**

To print this page, click the printer icon on your browser.

STATE OF NEW YORK
CO - Dutchess
TOW - Poughkeepsie
SWIS - 134689

2012 TOWN TAX ROLL
TAXABLE VALUE
UNIFORM PERCENT OF VALUE IS 100.00

PAGE 3325
VALUATION DATE-JUL 01, 20-
TAXABLE STATUS DATE-MAR 01, 20.

TAX MAP PARCEL NUMBER										PROPERTY LOCATION & CLASS										ASSESSMENT										EXEMPTION CODE										TAXABLE VALUE										TAX AMOUNT																			
CURRENT OWNERS NAME										SCHOOL DISTRICT										LAND										TAX DESCRIPTION										TAXABLE VALUE										TAX AMOUNT																			
CURRENT OWNERS ADDRESS										PARCEL SIZE/GRID COORD										TOTAL										SPECIAL DISTRICTS										TAXABLE VALUE										TAX AMOUNT																			
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Refund

Town of Poughkeepsie
2012/13 C/T Tax Bill

Grid Number: 134689-6262-02-482769-0000
Name: Roman Realty Management Inc.
Location: 124 Bedell Rd.

Currently on Tax Roll	Assessed Value	Exemption Amount	Taxable Value	Tax Rate	Total
Dutchess County	598,000		598,000	0.003453153	2,064.99
Town of Poughkeepsie	598,000		598,000	0.008331927	4,982.49
Arlington Fire	598,000		598,000	0.005230149	3,127.63
Consolidated Light (CL057)	598,000		598,000	0.000342644	204.90
Poughkeepsie Library Dist(GL000)	598,000		598,000	0.001157994	692.48
Townwide Water Imp.	4,600		4600.00	0.035	161.00
Townwide Drain Imp.	4,000		4000.00	0.007263	29.05
		School Interest (0 or 2%)		County Interest	
	Original amount			7%	
Ret School	16,259.16	0	16,259.16	1138.14	17,397.30
			Total Tax on Current Roll		28,659.84

Corrected Tax Roll	Assessed Value	Exemption Amount	Taxable Value	Tax Rate	Total
Dutchess County	598,000		598,000	0.003453153	2,064.99
Town of Poughkeepsie	598,000		598,000	0.004296193	2,569.12
Arlington Fire	598,000		598,000	0.005230149	3,127.63
Consolidated Light (CL057)	598,000		598,000	0.000195621	116.98
Poughkeepsie Library Dist(GL000)	598,000		598,000	0.000657328	393.08
Townwide Water Imp.	4,600		4,600	0.035	161.00
Townwide Drain Imp.	4,000		4,000	0.007263	29.05
		School Interest (0 or 2%)		County Interest	
	Original amount	0%		7%	
Ret School	12,629.33	0	12,629.33	884.05	13,513.38
			Total Tax on Corrected Roll		21,975.23

Chargeback

A342 Allow. For Uncoll. Taxes 254.09
A430 Town of Poughkeepsie 2,413.37
A430 Consolidated Light (CL057) 87.92
A430 Poughkeepsie Library Dist(GL000) 299.40

A440 School Arlington CSD 3,629.83

TOTAL CHARGEBACK AMOUNT 6,684.61

Budget, Finance, and Personnel Committee Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	absent	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano(VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 22 - Towns of Beekman and Union Vale	Hutchings		

Present: 11
 Absent: 1
 Vacant: 0

Resolution: ✓
 Motion: —

Total : 11 0
 Yes No
 Abstentions: 0

2015206 APPROVAL OF APPLICATION FOR REFUND OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE:

APPLICANT: Roman Realty Management Inc.

PO Box 2834

Poughkeepsie NY 12603

ACCOUNT NO.: 134689-6262-02-482769-0000

Date: August 6, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	absent	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	absent	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Millan	Pulver	absent	
District 20 - Town of Red Hook	Strawinski	absent	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		

Present: 21

Absent: 4

Vacant: 0

Resolution: ✓

Motion:

Total: 21 0

Yes No

Abstentions: 0

2015206 APPROVAL OF APPLICATION FOR REFUND OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE:

APPLICANT: Roman Realty Management Inc.

PO Box 2834

Poughkeepsie NY 12603

ACCOUNT NO.: 134689-6262-02-482769-0000

Date: August 10, 2015

RESOLUTION NO. 2015207

RE: APPROVAL OF APPLICATION FOR REFUND OF REAL
PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK
BY THE COMMISSIONER OF FINANCE;

APPLICANT: Raquel N. Roman and Ismael Roman Jr.

PO Box 2834

Poughkeepsie NY 12603

ACCOUNT NO.: 134689-6262-02-482769-0000

Legislators BORCHERT, NESBITT, BOLNER, JETER-JACKSON,
SAGLIANO, and FARLEY offer the following and move its adoption:

WHEREAS, there is a misclassification of a property on the assessment roll for
the Town of Poughkeepsie for 2013 under the name of Raquel N. Roman and Ismael Roman Jr. ,
Account No. 134689-6262-02-482769-0000, and

WHEREAS, the owner of said parcel, by application attached hereto, has applied
for a correction of real property taxes on the basis of an alleged error in essential fact, and

WHEREAS, pursuant to Section 556 of the Real Property Tax Law, the County
Director of Real Property has investigated this claim and has found that the Town the local tax
assessor in the Town of Poughkeepsie has made a error in essential fact on said assessment roll ,
and

WHEREAS, attached hereto is the written report of said Director together with
his recommendation that the application be approved by the County Legislature, and

WHEREAS, the County Legislature has agreed that the error in essential fact does
exist, now, therefore, be it

RESOLVED, that the application received July 8, 2015, relating to Account No.
134689-6262-02-482769-0000 for a refund is hereby approved, and be it further

RESOLVED, that the Commissioner of Finance is authorized, empowered and
directed to issue a tax refund to the applicant in the amount of \$6,735.49 and to charge-back the
erroneous taxes on next years levy as follows:


A342 Allowance for Uncollectible Taxes	\$ 253.36
A430 Town of Poughkeepsie	2,443.14
A430 Consolidated Light (CL057)	86.12
A430 Poughkeepsie Library (GL000)	333.41
A440 Arlington CSD	<u>3,619.46</u>
Total	\$6,735.49

and be it further

RESOLVED, that the Clerk of the County Legislature be and is hereby is authorized, empowered and directed to mail a copy of the approved application and this resolution to the applicant.

CA-124-15
MB/kvh G-194

Fiscal Impact: None

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 8/14/2015

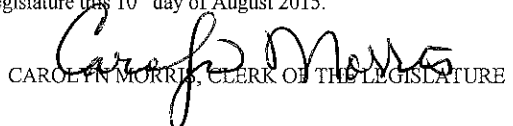
STATE OF NEW YORK

SS:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Dutchess County Real Property Tax Service Agency

C O E Investigating Report

Le Description (grid #) 134689-6262-02-482769-0000

Owner's Name Raquel N. and Ismael Roman Jr.

Mailing Address PO Box 2834 Poughkeepsie NY 12603

Property Location 124 Bedell Rd.

School District Arlington Central School Dist Special District _____

Total Assessed Value now on roll 568,500 Corrected to Same

Taxable Assessed Value now on roll 568,500 Corrected to Same

Exempt codes and amounts if applicable _____

Amount Levied \$28,993.20 Should be \$22,257.71

Tax Bill Paid? X yes ___no Verified with assessor? X yes ___no

Error Claimed is defined in Real Property Tax Law, Section 550:

___ Subdivision 2, Paragraph ___ (clerical error)
___ ✓ Subdivision 3, Paragraph F (error in essential fact)
___ division 7, Paragraph ___ (unlawful entry)

Reason:

Exemption was approved by assessor, but not entered on roll _____

Exemption amount incorrectly calculated _____

Assessed value on roll does not match assessor's final work product _____

Structure did not exist on taxable status date or was present on another parcel _____

Assessment based on incorrect acreage _____

Parcel should be Wholly Exempt _____

Parcel Misclassified as homestead, non-homestead or portions misallocated X

Other: _____

Recommendation X APPROVE APPLICATION _____ DENY APPLICATION

Details: It is recommended that the application for a partial refund of the 2013/14 Cnty/Town tax bill be approved.

Investigator Margaret Burns

Director Eric A. [Signature] 7/15/2015

Dutchess County Real Property Tax Investigative Report for Approval of an Application for Refund of Taxes

Date: July 13, 2015
Name of Applicant: Roman, Ismael
Parcel ID: 134689-6262-02-482769-0000
Location: 124 Bedell Rd., Poughkeepsie, NY 12603

Property owner has requested tax refunds based on following claimed error:


That there was an "Error in Essential Fact" in that the parcel was designated as being in the Non-Homestead class and should have been designated as Homestead, which would have resulted in the application of lower tax rates for Town and School purposes.

The claimed error is for the 2012, 2013, and 2014 assessment/tax rolls. The applicant claims that although the assessment rolls indicated that the building held four dwelling units, the structure had only three, and was therefore "misclassified." RPTL §1901(13) dictates that one, two, and three family dwellings are in the "Homestead," class. All property not specifically defined as Homestead, including dwellings containing more than three units, is classified "Non-Homestead." The property owner provided an Order to Remedy Violation issued by the town's building inspector, which indicated that the house had an apartment added to the attic, and another added in the basement. The Order clearly calls the structure a three-family structure. The assessor has stated, however, that a fourth dwelling unit existed in a former garage space, which was not identified in the original Order. This finished area was adjacent/attached to the main structure.

The assessor has supplied another Order To Remedy Violation issued by the Building Department, along with an architect's floor plan, for a studio apartment in addition to the other three dwelling units. That would have made the structure a four-unit building, which would be correctly classified as Non-Homestead. Subsequently, the property owner provided yet another document from the building inspector showing that the structure did not have a dwelling unit in the garage area. This was based upon the physical inspection by the Building Inspector. That document was dated June 17, 2015, well after the tax status date of all of the assessment roll years in question. During a phone call to the building inspector, Mr. Bruce Flower indicated the "office" area did have all of the amenities of a studio apartment, but that he did not believe that the passageway between the office area and the main house was ever sealed, which he indicated would have been required to call the area an apartment. The Assessor, the Building Inspector, and the property owner all agree that no

inspection of the office area was done at the time of the inspection that resulted in the initial Order to Remedy Violation.

Despite the assessor's contention that a fourth unit existed, there is no documentation from any party indicating they had seen it, and there is documentation from the building department to support the contention that there were only three units in the dwelling. Based on available documents, and the absence of proof to the contrary: The request for a refund of taxes based on a misclassification should be granted.

 7/13/2015

Eric Axelsen, IAO, CCD

Director of Real Property Tax services.



**NEW YORK STATE DEPARTMENT OF TAXATION & FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES**

**APPLICATION FOR REFUND AND CREDIT OF REAL PROPERTY TAXES
FOR THE YEAR(S) 20 13/14**

Part 1: To be completed in duplicate by Applicant. For refund or credit of real property tax, submit both copies to County Director of Real Property Tax Services (in Nassau and Tompkins Counties, submit to Chief Assessing Officer), or in a village which has retained its assessing unit status, submit to the village assessor or chairman of village board of trustees. The application must be submitted within three years of the annexation of the warrant for the collection of such tax. For an "unlawful entry" as defined in Sec. 550(7)(a) of the Real Property Tax Law, attach statement signed by assessor or majority of board of assessors substantiating that assessor(s) have obtained proof that parcel should have been granted tax exempt status on tax roll. (See definitions on reverse side).

<u>Ismael E Raquel Roman</u>		<u>Day (845) 616-3105</u>	Evening ()
1a. Name of Owner		2. Telephone Number	
<u>124 Bedell Rd</u>			
<u>Packman Rd Sic NY 12603</u>			
1b. Mailing Address		3. Parcel Location (if different than 1b.)	
<u>irromanjr69@gmail.com</u>			
1c. E-mail Address (optional)			
<u>134689-6262-02-482769-0000</u>			
4. Description of real property as shown on tax roll or tax bill (Include tax map designation)			
5. Account No.	6a. Amount of taxes paid or payable	6b. Date of payment (if paid)	
(as appears on tax bill)			
7. I hereby request a refund or credit of real property taxes levied for the year(s) _____ by _____ for the following reasons (use additional sheets if necessary): (Tax levying body)			

* Insert name of village, county, city, school district; town in Westchester County

7/8/15 Date [Signature] Signature of Applicant

PART II: For use by COUNTY DIRECTOR, VILLAGE ASSESSOR: Attach written report including documentation and recommendation (Include type of error as defined in Sec. 550)

Date application received: 7/8/15 Date warrant annexed: 12/16/13
Last day for collection of taxes without interest: 2/25/15 - Paid

Recommendation:

☒ Approve application*

☐ Deny Application

7/13/2015
Date

[Signature]
Signature of Official

* ☐ If box is checked, this copy is for assessor and board of assessment review of city/town/village of _____ which are to consider attached report and recommendation as equivalent of petitions filed pursuant to section 553.

PART III: For use by TAX LEVYING BODY or OFFICIAL DESIGNATED BY RESOLUTION _____ :
(Insert Number or Date)

APPLICATION APPROVED (Check reason) ☐ Clerical error ☐ Unlawful entry ☐ Error in essential fact

Amount of taxes paid: \$ _____ Amount of taxes due: \$ _____

Amount of refund or outstanding tax to be credited: \$ _____

APPLICATION DENIED Reason: _____

Date

Signature of Chief Executive Officer
or Official Designated by Resolution

TO THE DIRECTOR OF REAL PROPERTY TAX SERVICES:

I, Kathleen D. Taber, Assessor of the Town of Poughkeepsie, Dutchess

County do hereby certify that the real property owned by

Roman, Ismael & Raquel Grid 6262-02-482769-0000

shown of the 2012 to 2014 Tax Rolls of the Town of Poughkeepsie/

School District of Arlington School and assessed in the amounts of

598000 and 568500 and the property class classification of 411 is correct.

Therefore, I hereby do/do-not support a recommendation of the Director of Real Property Tax that a new bill or refund be issued for above said parcel.

Attached is documentation for the investigation of the report.

6/15/2015
DATE

Kathleen D. Taber
ASSESSOR

TOWN OF POUGHKEEPSIE

DOCUMENTATION REQUESTED

- | | |
|--|--|
| <input type="checkbox"/> exemption application | <input type="checkbox"/> assessor work book |
| <input checked="" type="checkbox"/> Property record card | <input type="checkbox"/> verified statement from BAR |
| <input type="checkbox"/> Tax Bill | <input type="checkbox"/> Paid Tax Bill |
| <input checked="" type="checkbox"/> Other _____ | |

Sometime in 2011 after final roll-

We were notified by two appraisers that this property had 3 apartments rented with the **main house Occupied by owner**. 1st and 2nd floor (owner occupied) **Attic-** 3rd Floor converted to apartment 2 BR ,kitchen, bath, Living and dining room: **Basement apartment** - 1BR' Kitchen, bath/laundry, living room. There is a playroom used by owner(?) and 2 more BRs. There was a **studio** with Kitchenette between the 2 car and 1 car attached garages. There was no final CO on the house. When I changed parcel from a 210 to a 411, for 2012, the owner did come in and ask why. I informed him of the above conversation with apprasiers and requested an inspection but none was

RECEIVED
2015 JUN 24 AM 11:29
REAL PROPERTY
TAX SERVICES

allowed. (Floor plan attached). **A grievance was never filed by him in 2012, 2013 or 2014 .** Only this year when he had to remove all units. (with multiple Tickets issued) was when he filed a grievance. A building Permit #20150206 (attached) to correct issues was not taken out until Feb 11, 2015 and issued Mar 6th 2015 by the Building dept and inspected for final 4/15/2015.

The Building dept was notified in 2012. and an Inspection was done but they were not shown the studio apt between the garages. There were two many other violations they were concerned about. I was just informed by Building(6/19/15) they were still never shown the studio area under the above BP 0206. A order to remedy violation was sent to the owner 6/17/15 for the Studio Apt(see attached)

The Property was in Roman Realty Management Inc. in 2011 until Sept 17/ 2013, when it was transferred into Roman, Raquel N.

RECEIVED
2015 JUN 24 AM 11:29
REAL PROPERTY
TAX SERVICES

BUILDING DEPARTMENT

TOWN OF POUGHKEEPSIE

ONE OVEROCKER ROAD

POUGHKEEPSIE, NY 12603

Phone: (845) 485-3655

Fax: (845) 486-7881

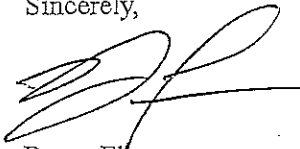
June 25, 2015

Ismael Roman, Jr.
124 Bedell Rd.
Poughkeepsie, NY 12603

Dear Mr. Roman,

On June 17, 2015 I was informed of an additional apartment added to your home on the first floor off of the kitchen. Today I inspected the area in question and is still arranged as per the original building permit plans which are on file. This letter is to confirm the violation has now been removed.

Sincerely,

A handwritten signature in black ink, appearing to read 'BF', with a stylized flourish extending from the bottom right.

Bruce Flower
Deputy Building Inspector

Cc; Sara Davis
Kathleen Taber

APPEARANCE TICKET
Zoning Administrator
TOWN OF POUCHKEEPSIE, NEW YORK
2008

Date: September 29, 2014

To: Ismael Hernandez Jr.

Address: 124 Bedell Road

Poughkeepsie NY 12603

YOU ARE HEREBY DIRECTED TO APPEAR in Town of Poughkeepsie

Justice Court, 17 Tucker Drive, Town of Poughkeepsie, NY on the

day of September, 2014 at 4:30 AM/PM to answer a charge

of violating

Local Law Chapter 210 Section 210-14

- establishing 3 family

dwelling in single family

zoning district

Code of the Town of Poughkeepsie, State of New York

on premises situated

124 Bedell Road

Grid No. 6268-02-482769

on the 29 day of September, 2014

A plea of guilty to this charge is equivalent to a conviction after trial.

Please be advised that you have the right to request a copy of an

Information supporting the charge.

YOUR FAILURE TO APPEAR MAY RESULT IN THE ISSUANCE OF A
WARRANT FOR YOUR ARREST.

Ismael Hernandez Jr.
Zoning Administrator

REAL PROPERTY
TAX SERVICES

2015 JUN 10 AM 11:03

RECEIVED

2013/14

2014 Town Detail Report

SWIS S/B/L 134689 6262-02-482769-0000
OWNER ROMAN RAQUEL N
 ROMAN ISMAEL JR
ADDRESS 124 BEDELL RD

MAILING ADDRESS 46 CANNON ST
 POUGHKEEPSIE NY 12603

MUNICIPALITY POUGHKEEPSIE
SCHOOL DISTRICT ARLINGTON CENTRAL

PARCEL TYPE 411, Apartment
ROLL SECTION 1
PARCEL DIMENSIONS Acreage = 5.99

BANK CODE
ACCOUNT NUMBER
LAND VALUE 155,500
TOTAL VALUE 568,500
PAID DATES 1st 2nd 3rd

TAX INFORMATION

BILL #: 009886

PROPERTY TAXES - **NON-HOMESTEAD PARCEL**

DETAILS

Tax Item	Total Tax Levy	Prior Year(+/-)	Taxable Assessed Value/Units	Rates per \$1000 or Unit	Tax Amount
Town Outside Tax	\$22,156,548	2.9%	568,500.00	8.905239	\$5,062.63
County Tax	\$107,939,388	1.9%	568,500.00	3.649623 ✓	\$2,074.81
Arlington Fire			568,500	5.546731	\$3,153.32
Consolidated Light			568,500	0.357405	\$203.18
Pok Lib District			568,500	1.372671	\$780.36
Ret 2013 School Tax				1	\$17,522.20
Town Wide Wat Imp			4600	0.036384	\$167.37
Townwide Drain Imp			4000	0.007333	\$29.33
Total:					\$28,993.20

2013 School Detail Report

SWIS S/B/L 134689 6262-02-482769-0000
 OWNER ROMAN REALTY MANAGEMENT INC
 ADDRESS 124 BEDELL RD

MAILING ADDRESS PO BOX 2834
 POUGHKEEPSIE NY 12603

MUNICIPALITY POUGHKEEPSIE
 SCHOOL DISTRICT ARLINGTON CENTRAL

PARCEL TYPE 411, Apartment
 ROLL SECTION 1
 PARCEL DIMENSIONS Acreage = 5.99

BANK CODE
 ACCOUNT NUMBER

LAND VALUE 155,500
 TOTAL VALUE 568,500
 PAID DATE

TAX INFORMATION

BILL #: 003221

PROPERTY TAXES - ~~**NON-HOMESTEAD PARCEL**~~

DETAILS

Tax Item	Total Tax Levy	Prior Year(+/-)	Taxable Assessed Value/Units	Rates per \$1000 or Unit	Tax Amount
School Taxes	\$130,825,835	2%	568,500.00	28.805429	\$16,375.89
Total:					\$16,375.89

.022438747 12,796.43

**** Note: Amount displayed is from your ORIGINAL TAX BILL and does not include penalties and additional charges.**

To print this page, click the printer icon on your browser.

STATE OF NEW YORK
COUNTY - Dutchess
TOWN - Poughkeepsie
SWIS - 134689

2013 TOWN TAX ROLL
TAXABLE SECTION OF THE ROLL - 1
OWNERS NAME SEQUENCE
UNIFORM PERCENT OF VALUE IS 100.00

PAGE 3307
VALUATION DATE-JUL 01, 2012
TAXABLE STATUS DATE-MAR 01, 2013

TAX MAP PARCEL NUMBER				PROPERTY LOCATION & CLASS				ASSESSMENT		EXEMPTION CODE		COUNTY		TOWN	
CURRENT OWNERS NAME				SCHOOL DISTRICT				LAND		TAX DESCRIPTION		TAXABLE VALUE		TAX AMOUNT	
CURRENT OWNERS ADDRESS				PARCEL SIZE/GRID COORD				TOTAL		SPECIAL DISTRICTS		TAXABLE VALUE		TAX AMOUNT	

6158-10-360707-0000				12 Swenson Dr				HOMESTEAD PARCEL		*****		6158-10-360707-0000		*****	
Roman Luis R				210 1 Family Res				61,500		County Tax		173,000		631.38	
Roman Toni M				Wappingers CSD 135601				173,000		Town Outside Tax		173,000		797.14	
12 Swenson Dr				ACRES 0.21 BANKC030217				173,000		999Y2 Townwide Drain Imp		1,000.00		UN C	
Wappingers Falls, NY 12590				EAST-0613600 NRTH-0587070				173,000		CL057 Consolidated Light		173,000		TO	
				DEED BOOK 1877 PG-0055				173,000		FS006 Tri-muni 1st Ward		1,000.00		UN M	
				FULL MARKET VALUE				173,000		GL000 Pok Lib District		173,000		TO	
								173,000		HA000 New Hamburg Ambulanc		1,000.00		UN	
								173,000		HF026 New Hamburg Fire		173,000		TO	
								173,000		TW0K3 Town Wide Wat Imp		1,000.00		UN C	
								191.40		ZS001 Unpaid Sewer		191.40		MT	
								226.05		ZW001 Unpaid Water		226.05		MT	
								TOTAL TAX ---		05/31/14 DATE #3		785.88		2,357.64**	
								AMT DUE 785.88		785.88		785.88		08/31/14	

6261-01-282739-0000				66 Overocker Rd				HOMESTEAD PARCEL		*****		6261-01-282739-0000		*****	
Roman Paul J				210 1 Family Res				70,000		County Tax		194,500		709.85	
66 Overocker Rd				Arlington CSD 134601				194,500		Town Outside Tax		194,500		896.20	
Poughkeepsie, NY 12603				0.34 AC				194,500		999Y2 Townwide Drain Imp		1,000.00		UN C	
				ACRES 0.34				194,500		AF024 Arlington Fire		194,500		TO	
				EAST-0622820 NRTH-0617390				194,500		AS0F5 Arlington Sewer Main		1,000.00		UN M	
				DEED BOOK 22000 PG-6281				194,500		CL057 Consolidated Light		194,500		TO	
				FULL MARKET VALUE				194,500		GL000 Pok Lib District		194,500		TO	
								194,500		TW0K3 Town Wide Wat Imp		1,000.00		UN C	
								TOTAL TAX ---		05/31/14 DATE #2		1,025.00		3,075.00**	
								DATE #1 02/28/14		DATE #2		05/31/14 DATE #3		08/31/14	
								AMT DUE 1,025.00		AMT DUE		1,025.00		1,025.00	

6262-02-482769-0000				124 Bedell Rd				NON-HOMESTEAD PARCEL		*****		6262-02-482769-0000		*****	
Roman Raquel N				411 Apartment				County Tax		*****		568,500		BILL 9886	
Roman Ismael Jr				Arlington CSD 134601				155,500		Town Outside Tax		568,500		2,074.81	
46 Cannon St				5.99 Ac (s)				568,500		999Y2 Townwide Drain Imp		4,000.00		UN C	
Poughkeepsie, NY 12603				ACRES 5.99						AF024 Arlington Fire		568,500		TO	
				EAST-0624820 NRTH-0627940						CL057 Consolidated Light		568,500		TO	
				DEED BOOK 22013 PG-4869						GL000 Pok Lib District		568,500		TO	
				FULL MARKET VALUE				568,500		TW0K3 Town Wide Wat Imp		4,600.00		UN C	
										ZH001 Ret 2013 School Tax		17,522.20		MT	
										TOTAL TAX ---				17,522.20	
										DATE #1 02/28/14		DATE #2		05/31/14	
								DATE #1 02/28/14		DATE #2		05/31/14		08/31/14	
								AMT DUE 9,664.40		AMT DUE		9,664.40		9,664.40	

6262-02-482769-0000				124 Bedell Rd				NON-HOMESTEAD PARCEL		*****		6262-02-482769-0000		*****	
Roman Raquel N				411 Apartment				County Tax		*****		568,500		BILL 9886	
Roman Ismael Jr				Arlington CSD 134601				155,500		Town Outside Tax		568,500		2,074.81	
46 Cannon St				5.99 Ac (s)				568,500		999Y2 Townwide Drain Imp		4,000.00		UN C	
Poughkeepsie, NY 12603				ACRES 5.99						AF024 Arlington Fire		568,500		TO	
				EAST-0624820 NRTH-0627940						CL057 Consolidated Light		568,500		TO	
				DEED BOOK 22013 PG-4869						GL000 Pok Lib District		568,500		TO	
				FULL MARKET VALUE				568,500		TW0K3 Town Wide Wat Imp		4,600.00		UN C	
										ZH001 Ret 2013 School Tax		17,522.20		MT	
										TOTAL TAX ---				17,522.20	
										DATE #1 02/28/14		DATE #2		05/31/14	
								DATE #1 02/28/14		DATE #2		05/31/14		08/31/14	
								AMT DUE 9,664.40		AMT DUE		9,664.40		9,664.40	

PRIOR OWNER ON 3/01/2013
Roman Realty Management Inc

paid 2/25/15

Paid 2/23/15

Refund

Town of Poughkeepsie
2013/14 C/T Tax Bill

Grid Number: 134689-6262-02-482769-0000
Name: Raquel N. and Ismael Roman Jr.
Location: 124 Bedell Rd.

Currently on Tax Roll	Assessed Value	Exemption Amount	Taxable Value	Tax Rate	Total
Dutchess County	568,500		568,500	0.003649623	2,074.81
Town of Poughkeepsie	568,500		568,500	0.008905239	5,062.63
Arlington Fire	568,500		568,500	0.005546731	3,153.32
Consolidated Light(CL057)	568,500		568,500	0.000357405	203.18
Poghkeepsie Library Dist(GL000)	568,500		568,500	0.001372671	780.36
Townwide Water Imp.	4,600		4600.00	0.036384	167.37
Townwide Drain Imp.	4,000		4000.00	0.007333	29.33
	School Interest (0 or 2%)			County Interest	
	Original amount			7%	
Ret School	16,375.89		16,375.89	1146.31	17,522.20
			Total Tax on Current Roll		28,993.20

Corrected Tax Roll	Assessed Value	Exemption Amount	Taxable Value	Tax Rate	Total
Dutchess County	568,500		568,500	0.003649623	2,074.81
Town of Poughkeepsie	568,500		568,500	0.004607719	2,619.49
Arlington Fire	568,500		568,500	0.005546731	3,153.32
Consolidated Light(CL057)	568,500		568,500	0.000205912	117.06
Poghkeepsie Library Dist(GL000)	568,500		568,500	0.00078619	446.95
Townwide Water Imp.	4,600		4,600	0.036384	167.37
Townwide Drain Imp.	4,000		4,000	0.007333	29.33
		School Interest (0 or 2%)		County Interest	
	Original amount			7%	
Ret School	12,756.43		12,756.43	892.95	13,649.38
			Total Tax on Corrected Roll		22,257.71

Chargeback

A342 Allow. For Uncoll. Taxes	253.36
A430 Town of Poughkeepsie	2,443.14
A430 Consolidated Light(CL057)	86.12
A430 Poghkeepsie Library Dist(GL000)	333.41
A440 School Arlington CSD	3,619.46
TOTAL CHARGEBACK AMOUNT	6,735.49

Budget, Finance, and Personnel Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	absent	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano(VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 22 - Towns of Beekman and Union Vale	Hutchings		

Present:	<u>11</u>	Resolution:	<u>✓</u>	Total :	<u>11</u>	<u>0</u>
Absent:	<u>1</u>	Motion:	<u> </u>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2015207 APPROVAL OF APPLICATION FOR REFUND OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE:

APPLICANT: Raquel N. Roman and Ismael Roman Jr.

PO Box 2834

Poughkeepsie NY 12603

ACCOUNT NO.: 134689-6262-02-482769-0000

Date: August 6, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	absent	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	absent	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	absent	
District 20 - Town of Red Hook	Strawinski	absent	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		
Present: <u>21</u>	Resolution: <u>✓</u>	Total: <u>21</u>	<u>0</u>
Absent: <u>4</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015207 APPROVAL OF APPLICATION FOR REFUND OF REAL PROPERTY TAXES AND TO AUTHORIZE A CHARGE-BACK BY THE COMMISSIONER OF FINANCE:

APPLICANT: Raquel N. Roman and Ismael Roman Jr.

PO Box 2834

Poughkeepsie NY 12603

ACCOUNT NO.: 134689-6262-02-482769-0000

Date: August 10, 2015

RESOLUTION NO. 2015208

RE: APPROVAL OF APPLICATION TO CORRECT TAX BILL
AND TO ORDER THE LOCAL TAX COLLECTOR TO
ISSUE A CORRECTED TAX BILL

APPLICANT: Raquel N. Roman and Ismael Roman Jr.
PO Box 2834
Poughkeepsie NY 12603
ACCOUNT NO.: 134689-6262-02-482769-0000

Legislators BORCHERT, NESBITT, BOLNER, JETER-JACKSON,
SAGLIANO, and FARLEY offer the following and move its adoption:

WHEREAS, there is a misclassification of a property on the assessment roll for the Town of Poughkeepsie for 2014 under the name of Raquel N. Roman and Ismael Roman Jr. , Account No. 134689-6262-02-482769-0000, and

WHEREAS, the owner of said parcel, by application attached hereto, has applied for a correction of real property taxes on the basis of an alleged error in essential fact, and

WHEREAS, pursuant to Section 554 of the Real Property Tax Law, the County Director of Real Property has investigated this claim and has found that the Town of Poughkeepsie has made a error in essential fact on said assessment roll , and

WHEREAS, attached hereto is the written report of said Director together with his recommendation that the application be approved by the County Legislature, and

WHEREAS, the County Legislature has agreed that the error in essential fact does exist, now, therefore, be it

RESOLVED, that the application received July 8, 2015, relating to Account No. 134689-6262-02-482769-0000 for a corrected tax bill is hereby approved, and be it further

RESOLVED, that the Clerk of the County Legislature be and she hereby is authorized and directed to send a copy of this resolution to the applicant and to the Town Tax Collector, directing said Tax Collector to issue a corrected tax bill as follows and attach a copy of this resolution to the warrant:

<u>Municipality</u>	<u>Assessed Value</u>	<u>Exempt Amt.</u>	<u>Taxable Value</u>	<u>Corrected Tax</u>
County	568,500		568,500	2,092.68
Town of Poughkeepsie	568,500		568,500	2,829.99
Arlington Fire	568,500		568,500	3,351.25
Consolidated Light	568,500		568,500	121.06
Poughkeepsie Library	568,500		568,500	465.67
Townwide Water Imp.	4,600 units		4,600 units	167.89
Townwide Drain Imp.	4,000 units		4,000 units	29.57
Returned School				14,255.43
			TOTAL	\$23,313.54

and be it further

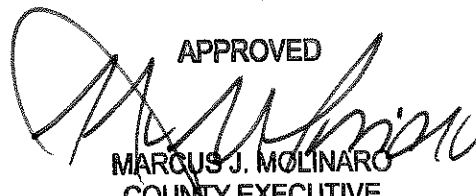
RESOLVED, that the Tax Collector be instructed to return the unpaid portion as being erroneous when the accounts are settled with the Commissioner of Finance at the expiration of the warrant, and be it further

RESOLVED, that the Commissioner of Finance be and hereby is authorized and directed to charge-back the erroneous taxes after settlement with the collector at the expiration of the warrant as follows:

A342 Allowance for Uncoll. Taxes	\$ 267.75
A430 Town of Poughkeepsie	2,419.62
A430 Consolidated Light (CL057)	86.37
A430 Poughkeepsie Library (GL000)	337.08
A440 Arlington Central School Dist.	<u>3,824.96</u>
Total	\$6,935.78

CA-125-15
MB/kvh G-194

Fiscal Impact: None

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE
Date 8/14/2015

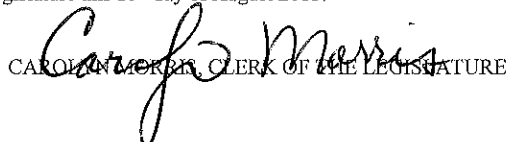
STATE OF NEW YORK

SS:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Dutchess County Real Property Tax Service Agency

COE Investigating Report

Legal Description (grid #) 134689-6262-02-482769-0000

Owner's Name Raquel N. and Ismael Roman Jr.

Mailing Address PO Box 2834 Poughkeepsie NY 12603

Property Location 124 Bedell Rd.

School District Arlington Central School Dist Special District _____

Total Assessed Value now on roll 568,500 Corrected to Same

Taxable Assessed Value now on roll 568,500 Corrected to Same

Exempt codes and amounts if applicable _____

Amount Levied \$30,249.32 Should be \$23,313.54

Tax Bill Paid? ____ yes X no Verified with assessor? X yes ____ no

Error Claimed is defined in Real Property Tax Law, Section 550:

____ Subdivision 2, Paragraph ____ (clerical error)
____ Subdivision 3, Paragraph F (error in essential fact)
____ Subdivision 7, Paragraph ____ (unlawful entry)

Reason:

Exemption was approved by assessor, but not entered on roll ____

Exemption amount incorrectly calculated ____

Assessed value on roll does not match assessor's final work product ____

Structure did not exist on taxable status date or was present on another parcel ____

Assessment based on incorrect acreage ____

Parcel should be Wholly Exempt ____

Parcel Misclassified as homestead, non-homestead or portions misallocated X

Other: ____

Recommendation X APPROVE APPLICATION _____ DENY APPLICATION

Details: It is recommended that the application for a corrected 2014/15 Cnty/Town tax bill be approved.

Investigator Margaret Burns

Director Eric Johnson

7/13/2015

Dutchess County Real Property Tax Investigative Report for Approval of an Application for Refund of Taxes

Date: July 13, 2015
Name of Applicant: Roman, Ismael
Parcel ID: 134689-6262-02-482769-0000
Location: 124 Bedell Rd., Poughkeepsie, NY 12603

Property owner has requested tax refunds based on following claimed error:


That there was an "Error in Essential Fact" in that the parcel was designated as being in the Non-Homestead class and should have been designated as Homestead, which would have resulted in the application of lower tax rates for Town and School purposes.

The claimed error is for the 2012, 2013, and 2014 assessment/tax rolls. The applicant claims that although the assessment rolls indicated that the building held four dwelling units, the structure had only three, and was therefore "misclassified." RPTL §1901(13) dictates that one, two, and three family dwellings are in the "Homestead," class. All property not specifically defined as Homestead, including dwellings containing more than three units, is classified "Non-Homestead." The property owner provided an Order to Remedy Violation issued by the town's building inspector, which indicated that the house had an apartment added to the attic, and another added in the basement. The Order clearly calls the structure a three-family structure. The assessor has stated, however, that a fourth dwelling unit existed in a former garage space, which was not identified in the original Order. This finished area was adjacent/attached to the main structure.

The assessor has supplied another Order To Remedy Violation issued by the Building Department, along with an architect's floor plan, for a studio apartment in addition to the other three dwelling units. That would have made the structure a four-unit building, which would be correctly classified as Non-Homestead. Subsequently, the property owner provided yet another document from the building inspector showing that the structure did not have a dwelling unit in the garage area. This was based upon the physical inspection by the Building Inspector. That document was dated June 17, 2015, well after the tax status date of all of the assessment roll years in question. During a phone call to the building inspector, Mr. Bruce Flower indicated the "office" area did have all of the amenities of a studio apartment, but that he did not believe that the passageway between the office area and the main house was ever sealed, which he indicated would have been required to call the area an apartment. The Assessor, the Building Inspector, and the property owner all agree that no

inspection of the office area was done at the time of the inspection that resulted in the initial Order to Remedy Violation.

Despite the assessor's contention that a fourth unit existed, there is no documentation from any party indicating they had seen it, and there is documentation from the building department to support the contention that there were only three units in the dwelling. Based on available documents, and the absence of proof to the contrary: The request for a refund of taxes based on a misclassification should be granted.

 7/13/2015

Eric Axelsen, IAO, CCD

Director of Real Property Tax services.

NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE
OFFICE OF REAL PROPERTY TAX SERVICESAPPLICATION FOR CORRECTED TAX ROLL
FOR THE YEAR 20 14/15

Part I: To be completed in duplicate by Applicant. APPLICANT MUST SUBMIT BOTH COPIES TO COUNTY DIRECTOR OF REAL PROPERTY TAX SERVICES. (In Nassau and Tompkins Counties, submit to Chief Assessing Officer). NOTE: To be used only prior to expiration of warrant for collection. For wholly exempt parcel, attach statement signed by assessor or majority of board of assessors substantiating that assessor(s) have obtained proof that parcel should have been granted tax exempt status on tax roll.

1a. Name of Owner Ismael & Raquel Roman

1b. Mailing Address 124 Bodell Rd
Poughkeepsie NY 12603

2. Telephone Number Day (815) 616-3105 Evening ()

3. Parcel Location (if different than 1b.) _____

4. Description of real property as shown on tax roll or tax bill (Include tax map designation) _____

5. Account No. _____ 6. Amount of taxes currently billed _____

7. I hereby request a correction of tax levied by _____
(county/city/school district; town in Westchester County; non-assessing unit village)

for the following reasons (use additional sheets if necessary): _____

7/8/15 Date

[Signature] Signature of Applicant

PART II: For use by **COUNTY DIRECTOR:** Attach written report (including documentation of error in essential fact) and recommendation. Indicate type of error and paragraph of subdivision 2, 3 or 7 of Section 550 under which error falls.

Date application received: 7-8-15 Period of warrant for collection of taxes: 12-15-14

Last day for collection of taxes without interest: 2-28-15

Recommendation: ☒ Approve application* ☐ Deny Application

7/13/2015 Date

[Signature] Signature of County Director

*☐ If box is checked, this copy is for assessor and board of assessment review of city/town/village of _____ which are to consider attached report and recommendation as equivalent to petition filed pursuant to section 553.

PART III: For use by **TAX LEVYING BODY** or **OFFICIAL DESIGNATED BY RESOLUTION** _____:
(Insert Number or Date)

APPLICATION APPROVED Amount of taxes currently billed: \$ _____

Notice of approval mailed to applicant on (enter date): _____ Corrected tax: \$ _____

Order transmitted to collecting officer on (enter date): _____

APPLICATION DENIED Reason: _____

Seal of Office

Date

Signature of Chief Executive Officer
or Official Designated by Resolution

Part IV. For use by COLLECTING OFFICER:

Payment may be made without interest and penalties ONLY if (1) the application has been filed with the County Director during the period when taxes may be paid without interest (see "Date application received" in Part II of this form) AND (2) the corrected tax is paid within eight days of the date on which the notice of approval is mailed to the applicant (see Part III of this form). If either of these conditions is not satisfied, interest and/or penalties must be paid on the corrected tax.

Order from tax levying body received:

_____ Date

Corrected tax due: \$ _____

Interest and penalties (if applicable): \$ _____

Total corrected tax due: \$ _____

Tax roll corrected:

_____ Date

Tax bill corrected:

_____ Date

Application and Order annexed to tax roll:

_____ Date

Payment of corrected tax received:

_____ Date

Date

Signature of Collecting Officer

TO THE DIRECTOR OF REAL PROPERTY TAX SERVICES:

I, Kathleen D. Taber, Assessor of the Town of Poughkeepsie, Dutchess

County do hereby certify that the real property owned by

Roman, Ismael & Raquel Grid 6262-02-482769-0000

shown of the 2012 to 2014 Tax Rolls of the Town of Poughkeepsie/

School District of Arlington School and assessed in the amounts of

598000 and 568500 and the property class classification of 411 is correct.

Therefore, I hereby do/do-not support a recommendation of the Director of Real Property Tax that a new bill or refund be issued for above said parcel.

Attached is documentation for the investigation of the report.

6/15/2015
DATE

Kathleen D. Taber
ASSESSOR

TOWN OF POUGHKEEPSIE

DOCUMENTATION REQUESTED

- | | |
|--|--|
| <input type="checkbox"/> exemption application | <input type="checkbox"/> assessor work book |
| <input checked="" type="checkbox"/> Property record card | <input type="checkbox"/> verified statement from BAR |
| <input type="checkbox"/> Tax Bill | <input type="checkbox"/> Paid Tax Bill |
| <input checked="" type="checkbox"/> Other _____ | |

Sometime in 2011 after final roll-

We were notified by two appraisers that this property had 3 apartments rented with the **main house Occupied by owner**. 1st and 2nd floor (owner occupied) **Attic-** 3rd Floor converted to apartment 2 BR ,kitchen, bath, Living and dining room: **Basement apartment** - 1BR' Kitchen, bath/laundry, living room. There is a playroom used by owner(?) and 2 more BRs. There was a **studio** with Kitchenette between the 2 car and 1 car attached garages. There was no final CO on the house. When I changed parcel from a 210 to a 411, for 2012, the owner did come in and ask why. I informed him of the above conversation with apprasiers and requested an inspection but none was

RECEIVED
2015 JUN 24 AM 11:29
REAL PROPERTY
TAX SERVICES

allowed. (Floor plan attached). A grievance was never filed by him in 2012, 2013 or 2014 . Only this year when he had to remove all units. (with multiple Tickets issued) was when he filed a grievance. A building Permit #20150206 (attached) to correct issues was not taken out until Feb 11, 2015 and issued Mar 6th 2015 by the Building dept and inspected for final 4/15/2015.

The Building dept was notified in 2012. and an Inspection was done but they were not shown the studio apt between the garages. There were two many other violations they were concerned about. I was just informed by Building(6/19/15) they were still never shown the studio area under the above BP 0206. A order to remedy violation was sent to the owner 6/17/15 for the Studio Apt(see attached)

The Property was in Roman Realty Management Inc. in 2011 until Sept 17/ 2013, when it was transferred into Roman, Raquel N.

RECEIVED
2015 JUN 24 AM 11:29
REAL PROPERTY
TAX SERVICES

BUILDING DEPARTMENT

TOWN OF POUGHKEEPSIE

ONE OVEROCKER ROAD

POUGHKEEPSIE, NY12603

Phone: (845) 485-3655

Fax: (845) 486-7881

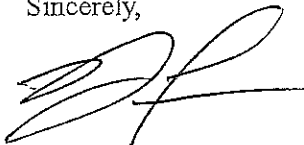
June 25, 2015

Ismael Roman, Jr.
124 Bedell Rd.
Poughkeepsie, NY 12603

Dear Mr. Roman,

On June 17, 2015 I was informed of an additional apartment added to your home on the first floor off of the kitchen. Today I inspected the area in question and is still arranged as per the original building permit plans which are on file. This letter is to confirm the violation has now been removed.

Sincerely,



Bruce Flower
Deputy Building Inspector

Cc; Sara Davis
Kathleen Taber

APPEARANCE TICKET
Zoning Administrator
TOWN OF POUGHKEEPSIE, NEW YORK
2008

To: Samuel Roman Jr. Date: September 29, 2014

Address: 124 Bedell Road
Poughkeepsie NY 12603

YOU ARE HEREBY DIRECTED TO APPEAR in Town of Poughkeepsie

Justice Court, 17 Tucker Drive, Town of Poughkeepsie, NY on the 15th
day of October, 2014, at 4:30 AM/PM to answer a charge
of violating:

Local Law Chapter 210, Section 210-14

- establishing 3 family
dwelling in single family
zoning district

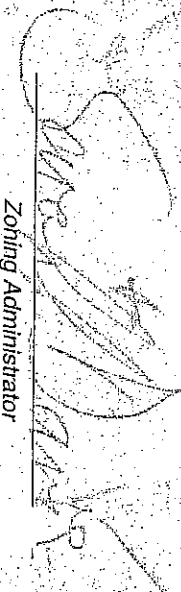
Code of the Town of Poughkeepsie, State of New York

on premises situated 124 Bedell Road

Grid No. 6268-02-482769

on the 29 day of September, 2014

A plea of guilty to this charge is equivalent to a conviction after trial.
Please be advised that you have the right to request a copy of an
information supporting the charge.
YOUR FAILURE TO APPEAR MAY RESULT IN THE ISSUANCE OF A
WARRANT FOR YOUR ARREST.


Zoning Administrator

RECEIVED
2015 JUN 10 AM 11:03
REAL PROPERTY
TAX SERVICES

NEW YORK STATE DEPARTMENT OF TAXATION & FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES.

REF:

124 BEDELL RD

POUGHKEEPSIE, NY 12603

TAX YEAR 2014-2015 SCHOOL YEAR

REASON FOR FILING: THE HOME CLASSIFICATION WAS CHANGED FROM 210 (1 FAMILY) TO 411 (4 FAMILY). THIS CAUSED 124 BEDELL TO GO FROM HOMESTEAD TO NON-HOMESTEAD. THE VIOLATIONS ISSUED BY THE BUILDING AND ZONING DEPARTMENT CALLED FOR AN ILLEGAL APARTMENT IN THE ATTIC AND AN ILLEGAL APARTMENT IN THE BASEMENT. THE HOME WAS A 3 FAMILY NOT A 4 WHICH MEANS THAT 124 BEDELL WAS STILL A HOMESTEAD PROPERTY. THE APARTMENTS HAVE BEEN REMOVED AND ON THE LEGAL USAGE IS BACK TO A 210 (1) FAMILY.



ISMAEL ROMAN JR.

OWNER

2014/15
T

STATE OF NEW YORK
COUNTY Dutchess
TOWN Poughkeepsie
SWIS - 134689

2014 TOWN TAX ROLL
TAXABLE VALUE
UNIFORM PERCENT OF VALUE IS 100.00

PAGE 3311
VALUATION DATE-JUL 01, 2013
TAXABLE STATUS DATE-MAR 01, 2014

TAX MAP PARCEL NUMBER	PROPERTY LOCATION & CLASS	ASSESSMENT	EXEMPTION CODE	COUNTY	TOWN
CURRENT OWNERS NAME	SCHOOL DISTRICT	LAND	TAX DESCRIPTION	TAXABLE VALUE	TAX AMOUNT
CURRENT OWNERS ADDRESS	PARCEL SIZE/GRID COORD	TOTAL	SPECIAL DISTRICTS		
66 Overocker Rd	210 1 Family Res	134601		6261-01-282739-0000	BILL 9903
Roman Paul J	Arlington CSD	70,000	County Tax	173,000	636.82
66 Overocker Rd	0.34 AC	173,000	Town Outside Tax	173,000	861.19
Poughkeepsie, NY 12603	ACRES 0.34		999Y2 Townwide Drain Imp	1,000.00 UN C	7.39
	EAST-0622820 NRTH-0617390		AF024 Arlington Fire	173,000 TO	1,019.82
	DEED BOOK 22000 PG-6281		AS0F5 Arlington Sewer Main	1,000.00 UN M	141.66
	FULL MARKET VALUE	173,000	CL057 Consolidated Light	173,000 TO	36.84
			GL000 Pok Lib District	173,000 TO	141.71
			TW0K3 Town Wide Wat Imp	1,000.00 UN C	36.50
			TOTAL TAX ---	2,881.93**	
			DATE #1 02/28/15 DATE #2 05/31/15 DATE #3 08/31/15	960.64 AMT DUE	960.64
			AMT DUE	960.64	960.64
124 Bedell Rd				6262-02-482769-0000	BILL 9904
411 Apartment			NON-HOMESTEAD PARCEL		
Arlington CSD	134601	155,500	County Tax	568,500	2,092.68
5.99 Ac (s)		568,500	Town Outside Tax	568,500	5,249.61
ACRES 5.99			999Y2 Townwide Drain Imp	4,000.00 UN C	29.57
EAST-0624820 NRTH-0627940			AF024 Arlington Fire	568,500 TO	3,351.25
DEED BOOK 22013 PG-4869			CL057 Consolidated Light	568,500 TO	207.43
FULL MARKET VALUE		568,500	GL000 Pok Lib District	568,500 TO	802.75
			TW0K3 Town Wide Wat Imp	4,600.00 UN C	167.89
			ZH001 Ret 2014 School Tax	18,348.14 MT	18,348.14
			TOTAL TAX ---	30,249.32**	
			DATE #1 02/28/15 DATE #2 05/31/15 DATE #3 08/31/15	10,083.10 AMT DUE	10,083.10
			AMT DUE	10,083.10	10,083.10
8 Pine Tree Dr				6260-03-370285-0000	BILL 9905
210 1 Family Res			HOMESTEAD PARCEL		
Wappingers CSD	135601	73,500	County Tax	157,000	577.93
ACRES 0.38 BANKN140687		157,000	Town Outside Tax	157,000	781.55
EAST-0623700 NRTH-0602850			999Y2 Townwide Drain Imp	1,000.00 UN C	7.39
DEED BOOK 22010 PG-4189			AF024 Arlington Fire	157,000 TO	925.50
FULL MARKET VALUE		157,000	CL057 Consolidated Light	157,000 TO	33.43
			GL000 Pok Lib District	157,000 TO	128.60
			TW0K3 Town Wide Wat Imp	1,000.00 UN C	36.50
			ZW001 Unpaid Water	24.20 MT	24.20
			TOTAL TAX ---	2,515.10**	
			DATE #1 02/28/15 DATE #2 05/31/15 DATE #3 08/31/15	838.36 AMT DUE	838.36
			AMT DUE	838.36	838.36

2014-10-31/15

Correction

Town of Poughkeepsie
2014/15 C/T Tax Bill

Grid Number: 134689-6262-02-482769-0000

Name: Raquel N. and Ismael Roman Jr.

Location: 124 Bedell Rd.

Currently on Tax Roll	Assessed Value	Exemption Amount	Taxable Value	Tax Rate	Total
Dutchess County	568,500		568,500	0.003681063	2,092.68
Town of Poughkeepsie	568,500		568,500	0.009234134	5,249.61
Arlington Fire	568,500		568,500	0.005894899	3,351.25
Consolidated Light	568,500		568,500	0.000364869	207.43
Poughkeepsie Library Dist	568,500		568,500.00	0.00141205	802.75
Townwide Water Imp.	4,600		4600.00	0.036498	167.89
Townwide Drain Imp.	4,000		4000.00	0.007392	29.57
		School Interest (0 or 2%)		County Interest	
	Original amount			7%	
Ret School	17,147.79		17,147.79	1200.35	18,348.14
				Total Tax on Current Roll	30,249.32

Corrected Tax Roll	Assessed Value	Exemption Amount	Taxable Value	Tax Rate	Total
Dutchess County	568,500		568,500	0.003681063	2,092.68
Town of Poughkeepsie	568,500		568,500	0.004978003	2,829.99
Arlington Fire	568,500		568,500	0.005894899	3,351.25
Consolidated Light	568,500		568,500	0.000212938	121.06
Poughkeepsie Library Dist	568,500		568,500	0.000819123	465.67
Townwide Water Imp.	4,600		4,600	0.036498	167.89
Townwide Drain Imp.	4,000		4,000	0.007392	29.57
		School Interest (0 or 2%)		County Interest	
	Original amount			7%	
Ret School	13,322.83		13,322.83	932.6	14,255.43
				Total Tax on Corrected Roll	23,313.54

Chargeback

A342 Allow. For Uncoll. Taxes 267.75
A430 Town of Poughkeepsie 2,419.62
A430 Arlington Fire
A430 Consolidated Light 86.37
A430 Poughkeepsie Library Dist 337.08
A430 Townwide Water Imp.
A430 Townwide Drain Imp.

A440 School 3,824.96

TOTAL CHARGEBACK AMOUNT 6,935.78

POUGHKEEPSIE 2015
Town Tax 2015
Town: 134689 POUGHKEEPSIE

DO NOT PAY - This is a receipt

WE ARE SENDING THIS RECEIPT TO YOU FOR INFORMATION PURPOSES IN ACCORDANCE WITH THE NEW YORK STATE "PROPERTY TAXPAYER'S BILL OF RIGHTS"

ROMAN RAQUEL N
ROMAN ISMAEL JR
46 CANNON ST
POUGHKEEPSIE NY 12603

BILL NO. 009904
TAX YEAR 2015
NY TAX FN.CD. 102
STATE AID
BANK
PER ASSESSMENT ROLE
SCHOOL CODE 134601

TAX MAP NO: 6262-02-482769-0000
LOCATION: 124 BEDELL RD
DIMENSIONS: Acreage: 5.99
PROPERTY CLASS: 411 Apartment
WARRANT DATE:

FISCAL YEAR

PROPERTY TAXPAYER'S BILL OF RIGHTS

Assessor estimates the FULL MARKET VALUE of property as of : \$568,500
The ASSESSED VALUE of this property as of : \$568,500
The UNIFORM PERCENT OF VALUE used to establish assessment was: 0.00%

If you think your assessment is too high, you have the right to seek a reduction in the future.
A publication entitled "Contesting your assessment" is available at the assessor's office and online at
www.tax.ny.gov

EXEMPTION INFORMATION

<u>Exemption</u>	<u>Value</u>	<u>TaxPurpose</u>	<u>Full Value Estimate</u>	<u>Exemption</u>	<u>Value</u>	<u>TaxPurpose</u>	<u>Full Value Estimate</u>
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PROPERTY TAXES

<u>Taxing Purpose</u>	<u>Total Tax Levy</u>	<u>% Change from Prior Year</u>	<u>Taxable Assessed Value</u>	<u>Tax Rate per \$1000</u>	<u>Tax Amount</u>
Town Outside Tax	\$22,600,466	2%	568,500	9.234134	\$5,249.61
County Tax	\$107,577,694	0%	568,500	3.681063	\$2,092.68
Arlington Fire	\$15,881,560	1.4 %	568,500	5.894899	\$3,351.25
Consolidated Light	\$442,471	-0.7 %	568,500	0.364869	\$207.43
Pok Lib District	\$1,701,200	0 %	568,500	1.41205	\$802.75
Ret 2014 School Tax	\$0	0 %	18,348	1	\$18,348.14
Town Wide Wat Imp	\$0	0 %	4,600	0.036498	\$167.89
Townwide Drain Imp	\$0	0 %	4,000	0.007392	\$29.57
INTEREST1					\$0.00

PAID: 3/2/2015 \$10,083.12
PAID: \$0.00
PAID: \$0.00
TOTAL AMOUNT PAID \$10,083.12

2014 School Detail Report

OWNER 134689 6262-02-482769-0000
 ROMAN RAQUEL N
 ROMAN ISMAEL JR
ADDRESS 124 BEDELL RD

MAILING ADDRESS 46 CANNON ST
 POUGHKEEPSIE NY 12603

MUNICIPALITY POUGHKEEPSIE
SCHOOL DISTRICT ARLINGTON CENTRAL

PARCEL TYPE 411, Apartment
ROLL SECTION 1
PARCEL DIMENSIONS Acreage = 5.99

BANK CODE
ACCOUNT NUMBER
LAND VALUE 155,500
TOTAL VALUE 568,500
PAID DATE

TAX INFORMATION

BILL #: 003220

PROPERTY TAXES - **NON-HOMESTEAD PARCEL**

DETAILS

Tax Item	Total Tax Levy	Prior Year(+/-)	Taxable Assessed Value/Units	Rates per \$1000 or Unit	Tax Amount
School Taxes	\$133,442,408	2%	568,500.00	30.163213	\$17,147.79
Total:					\$17,147.79

023435061

13,322.93

** Note: Amount displayed is from your ORIGINAL TAX BILL and does not include penalties and additional charges.

To print this page, click the printer icon on your browser.

2015 Town Detail Report

SWIS S/B/L 134689 6262-02-482769-0000
OWNER ROMAN RAQUEL N
 ROMAN ISMAEL JR
ADDRESS 124 BEDELL RD

MAILING ADDRESS 46 CANNON ST
 POUGHKEEPSIE NY 12603

MUNICIPALITY POUGHKEEPSIE
SCHOOL DISTRICT ARLINGTON CENTRAL

PARCEL TYPE 411, Apartment
ROLL SECTION 1
PARCEL DIMENSIONS Acreage = 5.99

BANK CODE
ACCOUNT NUMBER
LAND VALUE 155,500
TOTAL VALUE 568,500
PAID DATES 1st 3/2/2015 2nd 3rd

TAX INFORMATION

BILL #: 009904

PROPERTY TAXES - **NON-HOMESTEAD PARCEL**

DETAILS

Tax Item	Total Tax Levy	Prior Year(+/-)	Taxable Assessed Value/Units	Rates per \$1000 or Unit	Tax Amount
Town Outside Tax	\$22,600,466	2%	568,500.00	9.234134	\$5,249.61 - 2829.99
County Tax	\$107,577,694	0%	568,500.00	3.681063	\$2,092.68
Arlington Fire			568,500	5.894899	\$3,351.25
Consolidated Light	000212938		568,500	0.364869	\$207.43 - 121.06
Pok Lib District	000819123		568,500	1.41205	\$802.75 - 465.67
Ret 2014 School Tax				1	\$18,348.14
Town Wide Wat Imp			4,600	0.036498	\$167.89
Townwide Drain Imp			4,000	0.007392	\$29.57
Total:					\$30,249.32

Budget, Finance, and Personnel Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano(VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 22 - Towns of Beekman and Union Vale	Hutchings		

Present:	<u>11</u>	Resolution:	<u>✓</u>	Total :	<u>11</u>	<u>0</u>
Absent:	<u>1</u>	Motion:	<u> </u>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2015208 APPROVAL OF APPLICATION TO CORRECT TAX BILL AND TO ORDER THE LOCAL TAX COLLECTOR TO ISSUE A CORRECTED TAX BILL

APPLICANT: Raquel N. Roman and Ismael Roman Jr.

PO Box 2834

Poughkeepsie NY 12603

ACCOUNT NO.: 134689-6262-02-482769-0000

Date: August 6, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	<i>absent</i>	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
District 20 - Town of Red Hook	Strawinski	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Ardenia, Washington, Pleasant Valley	Kelsey		
Present: <u>21</u>	Resolution: <u>✓</u>	Total: <u>21</u>	<u>0</u>
Absent: <u>4</u>	Motion: <u> </u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015208 APPROVAL OF APPLICATION TO CORRECT TAX BILL AND TO ORDER THE LOCAL TAX COLLECTOR TO ISSUE A CORRECTED TAX BILL

APPLICANT: Raquel N. Roman and Ismael Roman Jr.
PO Box 2834

Poughkeepsie NY 12603

ACCOUNT NO.: 134689-6262-02-482769-0000

Date: August 10, 2015

RESOLUTION NO. 2015209

RE: AUTHORIZING THE EXECUTION OF A CORRECTION DEED BY THE COUNTY EXECUTIVE AND CLERK OF THE DUTCHESS COUNTY LEGISLATURE TO FAIRVIEW BLOCK AND SUPPLY CORPORATION F/K/A FAIRVIEW BLOCK COMPANY, INC. FOR TAX GRID NO. 134689-6162-02-604618-0000

LEGISLATORS BOLNER, SAGLIANO, and FARLEY offer the following and move its adoption:

WHEREAS, the County of Dutchess acquired title to tax grid # 134689-6162-02-604618 from Fairview Block Company, Inc. c/o Arthur J. Ackert, President, pursuant to the In Rem Procedure, in a deed filed in the Dutchess County Clerk's Office on June 20, 2000 in Document # 02 2000 5355, and

WHEREAS, Arthur J. Ackert, President of Fairview Block Company, Inc. paid the outstanding back taxes and related charges that were due and owing to the Commissioner of Finance in October of 2000, and

WHEREAS, this Legislature authorized the execution of a quitclaim deed of this property back to Fairview Block, Inc. in Resolution No. 200393, and

WHEREAS, a quitclaim deed dated January 16, 2001 from the County of Dutchess to Fairview Block, Inc. c/o Arthur J. Ackert, President, for this parcel was recorded in the Dutchess County Clerk's Office on January 25, 2001 in Document No. 02 2001 716, and

WHEREAS, Fairview Block Company, Inc. changed its name to Fairview Block and Supply Corporation by filing a certificate with the New York State Department of State on March 18, 1985, and

WHEREAS, Fairview Block and Supply Corporation, through its attorney, has requested that the County issue a correction quitclaim deed in the name of Fairview Block and Supply Corporation, which has been the name of the company since March 18, 1985, in order to correct a defect in this parcel's chain of title, now therefore, be it

RESOLVED, that the County Executive and the Clerk of the Legislature be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a correction quitclaim deed to Fairview Block and Supply Corporation for tax grid # 134689-6162-604618-0000.

CA-127-15 CAB/kvh G-0145 7/15/15
Fiscal Impact: See attached statement

STATE OF NEW YORK
COUNTY OF DUTCHESS

ss:

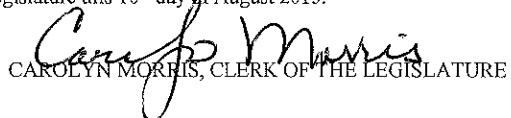
APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

Date 8/14/2015

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☒ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one): ☐ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

A tax parcel was acquired in the In Rem process in June 2000 from Fairview Block, Inc. The County conveyed the property back to Fairview Block, Inc. in January 2001. The company changed its name in March 1985 to Fairview Block and Supply Corporation. A correction deed from the County to Fairview Block and Supply Corporation needs to be done in order to correct a defect in the chain of title.

Prepared by: Carol A. Bogle, Esq.

Prepared On: 7/14/2015

RESOLUTION NO. 200393

RE: QUITCLAIM DEED, PROPERTY IN TOWN OF POUGHKEEPSIE
ASSESSED UNDER THE NAME OF FAIRVIEW BLOCK, INC
GRID # 134689-6162-02-604618-0000

Legislators BABIARZ
move its adoption

offer the following and

WHEREAS, unpaid tax on property in the Town of Poughkeepsie assessed to Fairview Block, Inc. for the levy year 1997 and described as Grid No. 134689-6162-02-604618-0000 amounting to \$1,811.34 was placed on a List of Delinquent Taxes filed in the Dutchess County Clerk's Office on November 2, 1998 for the tax lien year 1998, and

WHEREAS, Dutchess County instituted an in rem foreclosure action to enforce the collection of delinquent tax liens for the levy year 1997 and the above property was not redeemed within the time prescribed by law, resulting in a judgment of foreclosure and a deed conveying title of the property to Dutchess County, which deed was filed on June 20 2000 in the Office of the County Clerk, Document # 02 2000 5355, and

WHEREAS, Arthur J. Ackert, President of Fairview Block, Inc. tendered to the Dutchess County Commissioner of Finance the sum of \$6,266.14 in payment of all right, title and interest which the County may have acquired in and to the above property by reason of the above deed, and in payment of all unpaid taxes and all other charges due and owing, now, therefore, be it

RESOLVED, that the County Executive and Clerk of the Legislature be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a quitclaim deed to Fairview Block, Inc., c/o Arthur J. Ackert, President, 68 Violet Avenue, Poughkeepsie, NY 12601 of any and all interest which the County of Dutchess may have acquired in and to the said parcel by reason of the above deed.

APPROVED


WILLIAM R. STEINHAUS
COUNTY EXECUTIVE

Date Dec. 14, 2000

CA- 243-00

RAB:CM:deb

10/30/2000

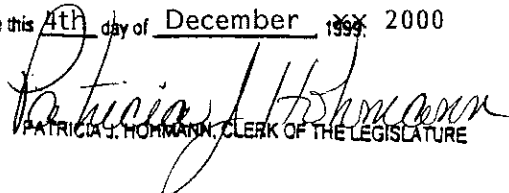
Fiscal Impact: ^{STATE OF NEW YORK} None

SS:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 4th day of December, ~~1999~~ 2000 and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 4th day of December, ~~1999~~ 2000


PATRICIA J. HOMANN, CLERK OF THE LEGISLATURE

Budget, Finance, and Personnel Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	absent	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano(VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 22 - Towns of Beekman and Union Vale	Hutchings		

Present:	<u>11</u>	Resolution:	<u>✓</u>	Total :	<u>11</u>	<u>0</u>
Absent:	<u>0</u>	Motion:	<u> </u>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2015209 AUTHORIZING THE EXECUTION OF A CORRECTION DEED BY THE COUNTY EXECUTIVE AND CLERK OF THE DUTCHESS COUNTY LEGISLATURE TO FAIRVIEW BLOCK AND SUPPLY CORPORATION F/K/A FAIRVIEW BLOCK COMPANY, INC. FOR TAX GRID NO. 134689-6162-02-604618-0000

Date: August 6, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	<i>absent</i>	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
District 20 - Town of Red Hook	Strawinski	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		
Present: <u>21</u>	Resolution: <input checked="" type="checkbox"/>	Total: <u>21</u>	<u>0</u>
Absent: <u>4</u>	Motion: <input type="checkbox"/>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015209 AUTHORIZING THE EXECUTION OF A CORRECTION DEED BY THE COUNTY EXECUTIVE AND CLERK OF THE DUTCHESS COUNTY LEGISLATURE TO FAIRVIEW BLOCK AND SUPPLY CORPORATION F/K/A FAIRVIEW BLOCK COMPANY, INC. FOR TAX GRID NO. 134689-6162-02-604618-0000

Date: August 10, 2015

RESOLUTION NO. 2015210

RE: AUTHORIZING THE EXECUTION OF A CORRECTION DEED BY THE COUNTY EXECUTIVE AND CLERK OF THE DUTCHESS COUNTY LEGISLATURE TO FAIRVIEW BLOCK AND SUPPLY CORPORATION F/K/A FAIRVIEW BLOCK COMPANY, INC. FOR TAX GRID NO. 134689-6162-02-565648-0000

LEGISLATORS BOLNER, SAGLIANO, and FARLEY offer the following and move its adoption:

WHEREAS, the County of Dutchess acquired title to tax grid # 134689-6162-02-565648-0000 from Fairview Block Company, Inc. c/o Arthur J. Ackert, President, pursuant to the In Rem Procedure in a deed filed in the Dutchess County Clerk's Office on June 20, 2000 in Document # 02 2000 5355, and

WHEREAS, Arthur J. Ackert, President of Fairview Block Company, Inc. paid the outstanding back taxes and related charges that were due and owing to the Commissioner of Finance in October of 2000, and

WHEREAS, this Legislature authorized the execution of a quitclaim deed of this property back to Fairview Block, Inc. in Resolution No. 200394, and

WHEREAS, a quitclaim deed dated January 16, 2001 from the County of Dutchess to Fairview Block, Inc. c/o Arthur J. Ackert, President, for this parcel was recorded in the Dutchess County Clerk's Office on January 25, 2001 in Document No. 02 2001 715, and

WHEREAS, Fairview Block Company, Inc. changed its name to Fairview Block and Supply Corporation by filing a certificate with the New York State Department of State on March 18, 1985, and

WHEREAS, Fairview Block and Supply Corporation, through its attorney, has requested that the County issue a correction quitclaim deed in the name of Fairview Block and Supply Corporation, which has been the name of the company since March 18, 1985, in order to correct a defect in this parcel's chain of title, now therefore, be it

RESOLVED, that the County Executive and the Clerk of the Legislature be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a correction quitclaim deed to Fairview Block and Supply Corporation for tax grid # 134689-6162-565648-0000.

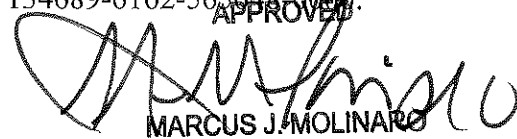
CA-128-15 CAB/kvh G-0145 07/14/15

Fiscal Impact: See attached statement

STATE OF NEW YORK

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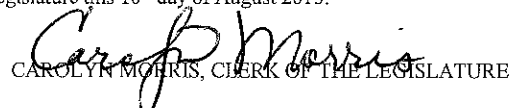
COUNTY OF DUTCHESS

APPROVED

MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 8/14/2015

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☒ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one): ☐ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

A tax parcel was acquired in the In Rem process in June 2000 from Fairview Block, Inc. The County conveyed the property back to Fairview Block, Inc. in January 2001. The company changed its name in March 1985 to Fairview Block and Supply Corporation. A correction deed from the County to Fairview Block and Supply Corporation needs to be done in order to correct a defect in the chain of title.

Prepared by: Carol A. Bogle, Esq.

Prepared On: 7/14/2015

Budget, Finance, and Personnel Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	<i>absent</i>	
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano(VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 22 - Towns of Beekman and Union Vale	Hutchings		

Present:	<u>11</u>	Resolution:	<u>✓</u>	Total :	<u>11</u>	<u>0</u>
Absent:	<u>1</u>	Motion:	<u> </u>		Yes	No
Vacant:	<u>0</u>			Abstentions:	<u>0</u>	

2015210 AUTHORIZING THE EXECUTION OF A CORRECTION DEED BY THE COUNTY EXECUTIVE AND CLERK OF THE DUTCHESS COUNTY LEGISLATURE TO FAIRVIEW BLOCK AND SUPPLY CORPORATION F/K/A FAIRVIEW BLOCK COMPANY, INC. FOR TAX GRID NO. 134689-6162-02-565648-0000

Date: August 6, 2015

Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	<i>absent</i>	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	<i>absent</i>	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	<i>absent</i>	
District 20 - Town of Red Hook	Strawinski	<i>absent</i>	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		

Present: 21
 Absent: 4
 Vacant: 0

Resolution: ☒
 Motion: ☐

Total : 21 0
 Yes No
 Abstentions: 0

2015210 AUTHORIZING THE EXECUTION OF A CORRECTION DEED BY THE COUNTY EXECUTIVE AND CLERK OF THE DUTCHESS COUNTY LEGISLATURE TO FAIRVIEW BLOCK AND SUPPLY CORPORATION F/K/A FAIRVIEW BLOCK COMPANY, INC. FOR TAX GRID NO. 134689-6162-02-565648-0000

Date: August 10, 2015

RESOLUTION NO. 2015211

RE: AUTHORIZING THE EXECUTION OF A CORRECTION DEED BY THE COUNTY EXECUTIVE AND CLERK OF THE DUTCHESS COUNTY LEGISLATURE TO FAIRVIEW BLOCK AND SUPPLY CORPORATION F/K/A FAIRVIEW BLOCK COMPANY, INC. FOR TAX GRID NO. 134689-6162-02-535672-0000

LEGISLATORS BOLNER, SAGLIANO, and FARLEY offer the following and move its adoption:

WHEREAS, the County of Dutchess acquired title to tax grid # 134689-6162-02-535672-0000 from Fairview Block Company, Inc. c/o Arthur J. Ackert, President, pursuant to the In Rem Procedure in a deed filed in the Dutchess County Clerk's Office on June 20, 2000, in Document # 02 2000 5355, and

WHEREAS, Arthur J. Ackert, President of Fairview Block Company, Inc. paid the outstanding back taxes and related charges that were due and owing to the Commissioner of Finance in October of 2000, and

WHEREAS, this Legislature authorized the execution of a quitclaim deed of this property back to Fairview Block, Inc. in Resolution No. 200395, and

WHEREAS, a quitclaim deed dated January 16, 2001 from the County of Dutchess to Fairview Block, Inc. c/o Arthur J. Ackert, President, for this parcel was recorded in the Dutchess County Clerk's Office on January 25, 2001 in Document No. 02 2001 715, and

WHEREAS, Fairview Block Company, Inc. changed its name to Fairview Block and Supply Corporation by filing a certificate with the New York State Department of State on March 18, 1985, and

WHEREAS, Fairview Block and Supply Corporation, through its attorney, has requested that the County issue a correction quitclaim deed in the name of Fairview Block and Supply Corporation, which has been the name of the company since March 18, 1985, in order to correct a defect in this parcel's chain of title, now therefore, be it

RESOLVED, that the County Executive and the Clerk of the Legislature be and they are hereby authorized, empowered and directed to make, execute and deliver in the name of the County of Dutchess and of the Legislature of said County, a correction quitclaim deed to Fairview Block and Supply Corporation for tax grid # 134689-6162-02-535672-0000.

CA-129-15 CAB/kvh G-0145 07/14/15
Fiscal Impact: See attached statement

STATE OF NEW YORK
COUNTY OF DUTCHESS

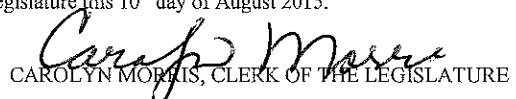
ss:


MARCUS J. MOLINARO
COUNTY EXECUTIVE

Date 8/14/2015

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

FISCAL IMPACT STATEMENT

☒ NO FISCAL IMPACT PROJECTED

APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ _____

Total Current Year Revenue \$ _____
and Source

Source of County Funds (check one): ☐ Existing Appropriations, ☐ Contingency,
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ _____

Nature/Reason:

Anticipated Savings to County: _____

Net County Cost (this year): _____
Over Five Years: _____

Additional Comments/Explanation:

A tax parcel was acquired in the In Rem process in June 2000 from Fairview Block, Inc. The County conveyed the property back to Fairview Block, Inc. in January 2001. The company changed its name in March 1985 to Fairview Block and Supply Corporation. A correction deed from the County to Fairview Block and Supply Corporation needs to be done in order to correct a defect in the chain of title.

Prepared by: Carol A. Bogle, Esq.

Prepared On: 7/14/2015

Budget, Finance, and Personnel Committee Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*		
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano(VC)		
District 3 - Town of LaGrange	Borchert (C)		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 22 - Towns of Beekman and Union Vale	Hutchings		

Present: _____
 Absent: _____
 Vacant: _____

Resolution: _____
 Motion: _____

Total : _____
 Yes No
 Abstentions: _____

2015211 AUTHORIZING THE EXECUTION OF A CORRECTION DEED BY THE COUNTY EXECUTIVE AND CLERK OF THE DUTCHESS COUNTY LEGISLATURE TO FAIRVIEW BLOCK AND SUPPLY CORPORATION F/K/A FAIRVIEW BLOCK COMPANY, INC. FOR TAX GRID NO. 134689-6162-02-535672-0000

Date: August 6, 2015

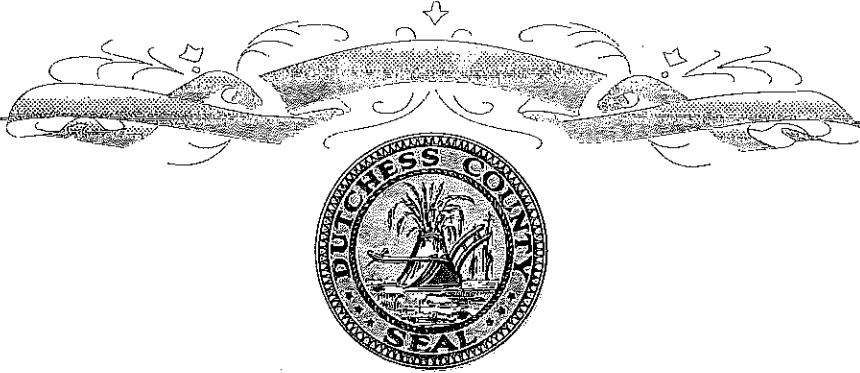
Roll Call Sheets

District	Last Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison		
District 6 - Town of Poughkeepsie	Flesland		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner		
District 10 - City of Poughkeepsie	Jeter-Jackson		
District 16 - Town of Fishkill and City of Beacon	MacAvery	absent	
District 1 - Town of Poughkeepsie	Nesbitt		
District 2 - Towns of Pleasant Valley and Poughkeepsie	Sagliano		
District 3 - Town of LaGrange	Borchert		
District 4 - Town of Hyde Park	Ignaffo	absent	
District 5 - Town of Poughkeepsie	Roman		
District 7 - Towns of Hyde Park and Poughkeepsie	Perkins		
District 9 - City of Poughkeepsie	Johnson		
District 11 - Towns of Rhinebeck and Clinton	Tyner		
District 12 - Town of East Fishkill	Weiss		
District 14 - Town of Wappinger	Amparo		
District 15 - Town of Wappinger	Incoronato		
District 17 - Town and Village of Fishkill	Miccio		
District 18 - City of Beacon and Town of Fishkill	Farley		
District 19 - Towns of North East, Stanford, Pine Plains, Milan	Pulver	absent	
District 20 - Town of Red Hook	Strawinski	absent	
District 21 - Town of East Fishkill	Horton		
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman		
District 25 - Towns of Amenia, Washington, Pleasant Valley	Kelsey		
Present: <u>21</u>	Resolution: <u>✓</u>	Total: <u>21</u>	<u>0</u>
Absent: <u>4</u>	Motion: <u>—</u>	Yes	No
Vacant: <u>0</u>		Abstentions: <u>0</u>	

2015211 AUTHORIZING THE EXECUTION OF A CORRECTION DEED BY THE COUNTY EXECUTIVE AND CLERK OF THE DUTCHESS COUNTY LEGISLATURE TO FAIRVIEW BLOCK AND SUPPLY CORPORATION F/K/A FAIRVIEW BLOCK COMPANY, INC. FOR TAX GRID NO. 134689-6162-02-535672-0000

Date: August 10, 2015

Dutchess County Legislature



Commendation: Daniel Alexander Lent

Legislator Sagliano offers the following and moves its adoption:

WHEREAS, Daniel Lent is a member of Boy Scout Troop 185 and has obtained the rank of Eagle Scout, which he will receive at a Court of Honor on August 29, 2015, and

WHEREAS, Daniel Lent has demonstrated a commitment to the highest ideals of Scouting and to his community earning 20 Merit Badges while obtaining the rank of Eagle Scout, and

WHEREAS, Eagle Scout Daniel Lent has held the positions of Patrol Leader, Deacon at Freedom Plains United Presbyterian Church, Rotary Youth Leadership Award, Elected Order of the Arrow, and Rachel's Challenge Leader, and

WHEREAS, Daniel's Eagle Scout Project was performed at the Freedom Plains United Presbyterian Church Cemetery where he cleaned and straightened grave stones in the oldest section of the cemetery, and also made the first ever survey of this 180-year-old section by recording the names and locations of 200 of the oldest stones, something that had never been done before, and

WHEREAS, Daniel is active in the community where he participates in many sports and activities such as the Appalachia Service Project (Kentucky – 2013, West Virginia – 2014, Tennessee – 2015), Premiere Soccer Team, Church Youth Group, Church Praise Band, Rotary Youth Leadership Award Conference, and the 2013 National Jamboree, and

WHEREAS, Daniel is a junior at Arlington High School where he was a member of the Future Business Leaders of America, varsity tennis team, junior varsity soccer team and the ski club, and he is starting to look at 4-year colleges with current intentions to attend graduate school, now, therefore, be it

RESOLVED, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby commend and congratulate, Eagle Scout Daniel Alexander Lent, and, be it further

RESOLVED, that the Dutchess County Legislature, does hereby extend to Eagle Scout Daniel Alexander Lent, its best wishes in all of his future endeavors.

STATE OF NEW YORK Resolution No. 2015212

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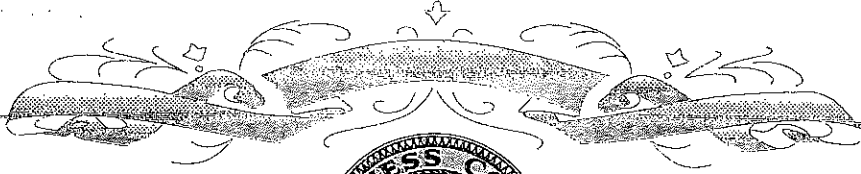
COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.

Carolyn Morris
CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Dutchess County Legislature



Commendation: James Andre

Legislator Miccio offers the following and moves its adoption:

WHEREAS, James Andre is a member of Boy Scout Troop 95 and has obtained the rank of Eagle Scout, which he will receive at a Court of Honor on August 15, 2015, and

WHEREAS, James Andre has demonstrated a commitment to the highest ideals of Scouting and to his community, earning 27 Merit Badges and many awards while obtaining the rank of Eagle Scout, and

WHEREAS, Eagle Scout James Andre has held the positions of Chaplain's Aid, Assistant Patrol Leader, Patrol Leader, Assistant Senior Patrol Leader, Senior Patrol Leader, and Junior Assistant Scoutmaster, and

WHEREAS, James' Eagle Scout Project was performed at the East Fishkill Historical Society property which has a barn that was part of the John Jay Homestead where he constructed, from scratch, six new replacement doors for the barn, where there are three different sets of doors, one pair of doors is 7 feet tall and 12 feet wide, and the other two pairs of doors are 10 feet tall and 10 feet wide, and the project involved locating the lumber for the doors, preparing the lumber, then building and painting the doors, and finally assembling the doors and hanging them on the original hinges which improved accessibility to the barn and will prevent deterioration from animals and water entry, and

WHEREAS, James is a recent graduate of John Jay High School where he was a member of the All County Chorus, Symphonic Band for Bass Clarinet, Big Band for Bass Guitar, Math Honor Society, and National Honor Society, and will be attending SUNY Plattsburgh in the fall where he plans to study Computer Science, now, therefore, be it

RESOLVED, that the Dutchess County Legislature, on behalf of all the people of Dutchess County, does hereby commend and congratulate, Eagle Scout James Andre, and, be it further

RESOLVED, that the Dutchess County Legislature, does hereby extend to Eagle Scout James Andre, its best wishes in all of his future endeavors.

Resolution No. 2015213

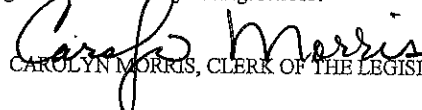
STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 10th day of August 2015, and that the same is a true and correct transcript of said original-resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 10th day of August 2015.


CAROLYN MORRIS, CLERK OF THE LEGISLATURE

RESOLUTION NO. 2015214

RE: LOCAL LAW NO. OF 2015, A LOCAL LAW AUTHORIZING PESTICIDE
NEIGHBOR NOTIFICATION

Legislators TYNER, MAC AVERY, FARLEY, STRAWINSKI, JETER-JACKSON, and
PERKINS offer the following and move its adoption:

RESOLVED, that this Legislature of the County of Dutchess adopt Local Law No. of
2015, which has been submitted this day for consideration by said Legislature.

NO FURTHER ACTION TAKEN IN 2015

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with
the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 13TH day of October 2015, and that the
same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13th day of October 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

Government Services & Administration
LAID ON DESKS 8/10/15
DISCUSSION ONLY 9/8/15

RESOLUTION NO. 2015214

RE: LOCAL LAW NO. OF 2015, A LOCAL LAW AUTHORIZING PESTICIDE
NEIGHBOR NOTIFICATION

Legislators TYNER, MAC AVERY, FARLEY, STRAWINSKI, JETER-JACKSON, and
PERKINS offer the following and move its adoption:

RESOLVED, that this Legislature of the County of Dutchess adopt Local Law No. of
2015, which has been submitted this day for consideration by said Legislature.

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with
the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 13TH day of October 2015, and that the
same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13th day of October 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. OF 2015

RE: A LOCAL LAW AUTHORIZING PESTICIDE NEIGHBOR NOTIFICATION

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

§ Legislative Intent.

This Board finds that individuals and their personal property are, or can be, unwittingly exposed to pesticides applied on their neighbor's property from commercial and residential lawn applications. This Board further finds that pesticides may pose health and safety risks to people, particularly children, pregnant women, the elderly, and people with infirmities. The intent of this local law is to provide information to county residents about certain pesticide applications to which they may be exposed, so that they can take steps to minimize such exposure to themselves, their families, pets, crops, livestock, backyard wildlife, and property.

Accordingly, this Board hereby adopts the special notice requirements for commercial and residential lawn applications of pesticides as set forth in Section 33-1004 of the New York Environmental Conservation Law. It is intended that this local law be read and applied consistently with that section and all other applicable provisions of the Environmental Conservation Law and regulations promulgated there under.

This law shall be known as the Dutchess County Neighbor Notification Law for Pesticides.

§ Definitions.

All terms used herein shall be as defined in Article 33 of the New York Environmental Conservation Law:

- a. "Abutting property" means any property which has any boundary point in common with the property on which the pesticide is to be applied.
- b. "Agency" means any state agency; municipal corporation; public authority; college, as that term is defined in the educational law; railroad, as that term is defined in the railroad law; or telegraph, telephone, telegraph and telephone, pipeline, gas, electric, or gas and electric corporation as those terms are defined in the transportation corporations law, which applies pesticides.
- c. "Commercial lawn application" means the applications of pesticides to ground, trees, or shrubs on public or private outdoor property. For the purposes of this Local Law the following shall not be considered commercial lawn application:

- (1) the application of pesticide for the purpose of producing an agricultural commodity;

(2) residential application of pesticides;

(3) the application of pesticides around or near the foundation of a building for the purpose of indoor pest control;

(4) the application of pesticides by or on behalf of agencies except that agencies shall be subject to visual notification requirements pursuant to section 33-1003 of the environmental conservation law where such application is within one hundred feet of a dwelling, multiple dwelling, public building or public park; and

(5) the application of pesticides on golf courses or turf farms.

d. "Commissioner" means the Commissioner of the New York State Department of Environmental Conservation.

e. "Dwelling" means any building or structure or portion thereof which is occupied in whole or in part as the home, residence or sleeping place for one or two families.

f. "General use pesticide" means a pesticide which does not meet the state criteria for a restricted pesticide as established under authority of section 33-0303 of the New York Environmental Conservation Law.

g. "Multiple dwelling" means any dwelling which is to be occupied by or is occupied as the residence or home of three or more families living independently of each other.

h. "Pesticide" means:

(1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest; and

(2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

i. "Premises" means land and improvements or appurtenances or any part thereof.

j. "Residential lawn application" means the application of general use pesticides to ground, trees, or shrubs on property owned by or leased to the individual making such application. For the purpose of this Local Law the following shall not be considered residential lawn application:

- (1) the application of pesticides for the purpose of producing an agricultural commodity;
- (2) the application of pesticides around or near the foundation of a building for purpose of indoor pest control;
- (3) the application of pesticides by or on behalf of agencies shall be subject to visual notification requirements pursuant to section 33-1003 of the New York Environmental Conservation Law where such application is within one hundred feet of a dwelling, multiple dwelling, public building or public park; and
- (4) the application of pesticides on golf courses or turf farms.

§ Notification Requirements for Commercial and Residential Lawn Applications.

The provisions in this section are adopted in their entirety and without exception, pursuant to section 33-1004 of the New York Environmental Conservation law.

a. Retail Consumer Information Sign.

- (1) All retail establishments that sell general use pesticides for commercial or residential lawn application shall display a sign meeting standards, established by the Commissioner pursuant to subdivision one of section 33-1005 of the Environmental Conservation law, in a conspicuous place, and such sign shall be placed as close as possible to the place where such pesticides are displayed.

b. Prior Notification of Commercial Lawn Applications.

- (1) At least forty-eight hours prior to any commercial lawn application of a pesticide, the person or business making such application shall supply written notice, as defined in subdivision three of section 33-1005 of the Environmental Conservation law, to:

A. occupants of all dwellings on abutting property with a boundary that is within one hundred fifty feet of the site of such application; and to

B. owners, owners' agents, or other persons in a position of authority for all other types of premises that are on abutting property with a boundary that is within one hundred fifty feet of the site of such

application. Owners or owners' agents of multiple family dwellings and for all other types of premises, owners, owners' agents or other persons in a position of authority shall post such written notice in a manner specified by the Commissioner.

(2) Such prior notification provisions shall not apply to the following:

A. the application of anti-microbial pesticides and anti-microbial products as defined by the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) in 7 U.S.C. Section 136 (mm) and 136 q (h) (2);

B. the use of an aerosol product with a directed spray, in containers of eighteen fluid ounces or less, when used to protect individuals from an imminent threat from stinging and biting insects, including venomous spiders, bees, wasps and hornets. This section shall not exempt from notification the use of any fogger product or aerosol product that discharges to a wide area;

C. the use of non-volatile insect or rodent bait in a tamper resistant container;

D. the application of a pesticide classified by the United States Environmental Protection Agency as an exempt material under 40 CFR Part 152.25;

E. the application of a pesticide which the United States Environmental Protection Agency has determined satisfies its reduced risk criteria, including a biopesticide;

F. the use of boric acid and disodium octaborate tetrahydrate;

G. the use of horticultural soap and oils that do not contain synthetic pesticides or synergists;

H. the application of a granular pesticide, where granular pesticide means any ground applied solid pesticide that is not a dust or powder;

I. the application of a pesticide by direct injection into a plant or the ground;

J. the spot application of a pesticide, where spot application means the application of pesticide in a manually pressurized or non-pressurized container of thirty-two fluid ounces or less to an area of ground less than nine square feet;

K. the application of a pesticide to the ground or turf of any cemetery; and

L. an emergency application of a pesticide when necessary to protect against an imminent threat to human health, provided, however, that prior to any such emergency application, the person providing such application shall make a good faith effort to supply the written notice required pursuant to this title. Upon making an emergency application, the person making such application shall notify the Commissioner of the New York State Department of Health, using a form developed by such commissioner for such purposes that shall include minimally the name of the person making such application, the pesticide business registration number or certified applicator number of the person making such application, the location of such application, the date of such application, the product name and United State Environmental Protection Agency registration number of the pesticide applied and the reason for such application.

c. Posting of Residential Lawn Applications.

(1) All persons performing residential lawn applications treating an area more than one hundred square feet shall affix markers to be placed within or along the perimeter of the area where pesticides will be applied. Markers are to be placed so as to be clearly visible to persons immediately outside the perimeter of such property. Such markers shall be posted at least twelve inches above the ground and shall be at least four inches by five inches in size.

(2) Such markers shall be in place on the day during which the pesticide is being applied and shall instruct persons not to enter the property and not to remove the signs for a period of at least twenty-four hours. Such instruction shall be printed boldly in letters at least three-eighths of an inch in height.

§ Enforcement.

Pursuant to section 33-1004 of the New York Environmental Conservation Law, the Dutchess County Department of Health and Department of Consumer Affairs shall enforce the provisions of this local law administratively, provided that all sanctions, which shall be assessed after providing a hearing or opportunity to be heard, shall be as specified in the Penalties provision herein of this law and shall be payable to and deposited with Dutchess County. In particular, the Department of Health shall be responsible for neighbor and applicator provisions and the Department of Consumer Affairs shall be responsible for retail establishment provisions.

§ Penalties.

a. Administrative Sanctions.

(1) A person providing a commercial lawn application who violates any provision of this local law shall be liable for a civil penalty not to exceed five thousand dollars for a first violation, and not to exceed ten thousand dollars for a subsequent offense.

(2) An owner or owner's agent of a multiple dwelling or owner, owner's agent or a person in a position of authority for all other types of premises, who violates any rule or regulation pursuant to the Section on Prior Notification of Commercial Lawn Applications, and a person who violates any provision the subdivision Posting of Residential Lawn Applications, shall for a first such violation, in lieu of penalty, be issued a written warning and shall also be issued educational materials prepared by the Commissioner pursuant to subdivision two of section 33-1005 of the New York Environmental Conservation Law. Such person shall, however, for a second violation, be liable for a civil penalty not to exceed one hundred dollars, and not to exceed two hundred fifty dollars for any subsequent violation.

(3) A person who violates the provisions of the section on Retail Consumer Information Sign shall be issued a warning for the first violation and shall be provided seven days to correct such violation; and shall be liable for a civil penalty not to exceed one hundred dollars for a second violation, and not to exceed two hundred fifty dollars for a subsequent violation.

b. Criminal Sanctions for Persons Providing Commercial Lawn Applications.

(1) Any person providing a commercial lawn application and having the culpable mental states defined in subdivision one or two of section 15.05 of the New York Penal Law who violates any provision of this local law, except an offense relating to the application of a general use pesticide, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed five thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment. If the conviction is for a subsequent offense committed after a first conviction of such person under this subdivision, punishment shall be by a fine not to exceed ten thousand dollars for each day during which such violation continues or by imprisonment for a term of not more than one year, or by both such fine and imprisonment.

(2) Any person providing a commercial lawn application who violates any provision of this local law relating to the use of a general use pesticide shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed twenty-five hundred dollars. If the conviction is for a subsequent offense committed after the first such conviction of such person under this subdivision, punishment shall be a fine not to exceed five thousand dollars.

§ Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to an person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§ Effective Date and Filing.

This law shall take effect on the first day of January after it shall have been adopted and filed with the office of Secretary of State.

Within twenty days after adoption of this law, the Clerk of the County Legislature shall forward one certified copy thereof to the Commissioner of the New York State Department of Environmental Conservation and one to the New York State Department of Environmental Conservation and one to the New York State Attorney General.

PESTICIDE NOTIFICATION LAW



No Fiscal Impact

FISCAL IMPACT STATEMENT

APPROPRIATION RESOLUTIONS

Total Current Year Cost

\$

[not being implemented at next year]

Total Current Year Revenue
and Source:

\$

Source of County Funds (check one): Existing Appropriations

Contingency

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

A. 6100.4458

Identify Line Item (s):

Related Expenses:

p. 321 Medicaid - submit \$5000 from

→ to purchase/enforce law (help homeowners, applicators, retailers)

Nature of Expenses:

Anticipated Savings to County:

[eventually - from protecting public health]

Net county Cost (this year):

\$

0

(over five years):

\$

0

Additional Comments:

① ALLOCATE \$5000 to:

(p. 199)

A. 4010.29

Health Dept. (Environmental Health)
[noted/published]

[money saved in Medicaid - less illness in county from pesticides!]

Children and Pesticides Don't Mix

Children are especially vulnerable to pesticides

- The National Academy of Sciences reports that children are more susceptible to chemicals than adults and estimates that 50% of lifetime pesticide exposure occurs during the first five years of life.¹
- According to EPA and the American Association of Poison Control Centers, every year more than 10,000 kids are poisoned by rodenticides. Rat poisons are by far the leading cause of [pesticide-related] visits to health care facilities in children under the age of six years and the second leading cause of hospitalization.²
- EPA concurs that children take in more pesticides relative to body weight than adults and have developing organ systems that are more vulnerable and less able to detoxify toxic chemicals.³
- A 2010 study conducted by the National Institutes of Environmental Health Sciences found certain foods eaten by children contained either an organophosphate or pyrethroid pesticide, leading researchers to believe that government agencies may be underestimating children's dietary exposure to pesticides and, therefore, the inherent risks to children's health.⁴
- One 2011 French cohort study finds that pre-natal exposures to atrazine are associated with fetal growth restriction and small head circumference.⁵
- Infants crawling behavior and proximity to the floor account for a greater potential than adults for dermal and inhalation exposure to contaminants on carpets, floors, lawns, and soil.⁶
- Children with developmental delays and those younger than six years are at increased risk of ingesting pesticides through nonfood items, such as soil.⁷
- Studies find that pesticides such as the weedkiller 2,4-D pass from mother to child through umbilical cord blood and breast milk.⁸
- One 2010 analysis observed that women who use pesticides in their homes or yards were two times more likely to have offspring with neural tube defects than women.⁹
- Consistent observations have led investigators to conclude that chronic low-dose exposure to certain pesticides might pose a hazard to the health and development of children.¹⁰
- The World Health Organization (WHO) cites that over 30% of

the global burden of disease in children can be attributed to environmental factors, including pesticides.¹¹

Children, cancer and pesticides

- The probability of an effect such as cancer, which requires a period of time to develop after exposure, is enhanced if exposure occurs early in life.¹²
- A 2010 population-based, case-control study of California and Washington state born children ten years of age or younger finds a strong interaction between insecticide exposure during childhood and chromosome abnormalities, suggesting that exposure in childhood to insecticides in combination with a reduced ability to detoxify them increases risk of developing brain tumors.¹³
- A study published in the *Journal of the National Cancer Institute* finds that household and garden pesticide use can increase the risk of childhood leukemia as much as seven-fold.¹⁴
- A 2010 meta-analysis on residential pesticide use and childhood leukemia finds an association with exposure during pregnancy, as well as to insecticides and herbicides. An association is also found for exposure to insecticides during childhood.¹⁵

Commonly Used Chemicals

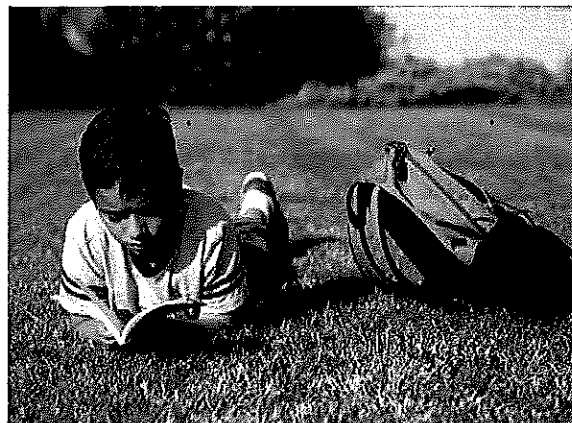
Chemical	Common Use	Health Effects
2,4-D	Lawns	c, ed, r, n, kl, si, bd
Dicamba	Lawns	r, n, kl, si, bd
Fipronil	Indoor/outdoor baits, pet care	c, ed, n, kl, si
Glyphosate	Lawns	c, r, n, kl, si
Permethrin	Mosquitoes, head lice, garden	c, ed, r, n, kl, si

Key: Birth/developmental defects=bd; Kidney/liver damage=kl; Sensitizer/irritant=si; Cancer=c; Neurotoxicity=n; Endocrine Disruption=ed; Reproductive effects=r

Alternatives

Eliminate exposure to toxic chemicals by implementing organic management practices that use cultural, mechanical and biological methods of control. An organic diet keeps chemicals out of children.

Studies show children's developing organs create "early windows of great vulnerability" during which exposure to pesticides can cause great damage.



- Studies show that children living in households where pesticides are used suffer elevated rates of leukemia, brain cancer and soft tissue sarcoma.¹⁶
- Pesticides can increase susceptibility to certain cancers by breaking down the immune system's surveillance against cancer cells. Infants and children, the aged and the chronically ill are at greatest risk from chemically-induced immune suppression.¹⁷
- A study published by the American Cancer Society finds an increased risk for non-Hodgkin's lymphoma (NHL) in people exposed to common herbicides and fungicides, particularly the weedkiller mecoprop (MCPP). People exposed to glyphosate (Roundup®) are 2.7 times more likely to develop NHL.¹⁸
- 75 out of all 99 human studies done on lymphoma and pesticides find a link between the two.¹⁹
- Four peer-reviewed studies demonstrate the ability of glyphosate-containing herbicides to cause genetic damage to DNA (mutagenicity), even at very low concentration levels.²⁰
- A 2007 study published in *Environmental Health Perspectives* finds that children born to mothers living in households with pesticide use during pregnancy had over twice as much risk of getting cancer, specifically acute leukemia (AL) or non-Hodgkin lymphoma (NHL).²¹
- A 2007 Canadian report shows that a greater environmental risk exists for boys, specifically when it comes to cancer, asthma, learning and behavioral disorders, birth defects and testicular dysgenesis syndrome.²²

Children, asthma and pesticides

- Researchers find that pesticides may increase the risk of developing asthma, exacerbate a previous asthmatic condition or even trigger asthma attacks by increasing bronchial hyper-responsiveness.²³
- A 2004 study finds that young infants and toddlers exposed to herbicides (weedkillers) within their first year of life are 4.5 times more likely to develop asthma by the age of five, and

almost 2.5 times more likely when exposed to insecticides.²⁴

- EPA material safety data sheets for the common herbicides 2,4-D, mecoprop, dicamba, (often combined as Trimec®) and glyphosate (Roundup®) list them as respiratory irritants that can cause irritation to skin and mucous membranes, chest burning, coughing, nausea and vomiting.

Children, learning and developmental disorders and pesticides

- Roughly one in six children in the U.S. has one or more developmental disability, ranging from a learning disability to a serious behavioral or emotional disorder.²⁵
- Scientists believe that the amount of toxic chemicals in the environment that cause developmental and neurological damage are contributing to the rise of physical and mental effects being found in children.²⁶
- Studies show children's developing organs create "early windows of great vulnerability" during which exposure to pesticides can cause great damage.²⁷
- According to researchers at the University of California-Berkeley School of Public Health, exposure to pesticides while in the womb may increase the odds that a child will have attention deficit hyperactivity disorder (ADHD).²⁸
- A 2012 study was the first to find that, at age 7, boys had greater difficulty with working memory, a key component of IQ, than girls with similar prenatal exposure to chlorpyrifos exposures, establishing a difference between how boys and girls respond to prenatal exposure. Similarly, another 2012 study reports that babies exposed in the womb to chlorpyrifos have brain abnormalities after birth.²⁹
- In utero exposure to organophosphate pesticides may cause long-term hormonal and behavior alterations. Studies show that exposure to even low levels of chlorpyrifos during pregnancy can impair learning and change brain function.³⁰
- One study found that there has been a seven- to eight-fold

increase in the number children born in California with autism since 1990 where incidence to 5 years of age per 10,000 births rose consistently from 6.2 for 1990 births to 42.5 for 2001 births, suggesting that environmental factors including pesticides and household chemicals are also contributing to the phenomenon.³¹

- Lawn pesticide products containing herbicides and fertilizers (such as "weed and feed" products) tested on mice show increased risk of infertility, miscarriage and birth defects at very low dosages.³²
- Additional studies on lawn pesticide product formulations show effects on learning ability,³³ aggressiveness, memory, motor skills and immune system function.
- A 2002 study finds children born to parents exposed to glyphosate (Roundup®) show a higher incidence of attention deficit disorder and hyperactivity.³⁴
- A study of 210,723 live births in Minnesota farming communities finds children of pesticide applicators have significantly higher rates of birth defects than the average population.³⁵
- In a 2004-2005 review of 2,4-D, EPA finds that, "there is a concern for endocrine disruption."³⁶

Pesticide accumulation and drift

- Children ages 6-11 nationwide have significantly higher levels of pesticide residues in their bodies than all other age categories.³⁷
- Biomonitoring testing in Canada finds residues of lawn pesticides, such as 2,4-D and mecoprop, in 15 percent of children tested, ages three to seven, whose parents had recently applied the lawn chemicals. Breakdown products of organophosphate insecticides are present in 98.7 percent of children tested.³⁸

- A 2011 study by the Centers for Disease Control and Prevention's (CDC) National Institute for Occupational Safety and Health (NIOSH) and state agency partners finds that pesticide drift from conventional, chemical-intensive farming has poisoned thousands of farmworkers, rural residents and their children in recent years.³⁹
- Scientific studies show that 2,4-D applied to lawns drifts and is tracked indoors where it settles in dust, air and surfaces and may remain for up to a year in carpets.⁴⁰
- Samples from 120 Cape Cod homes, where elevated incidence of breast, colorectal, lung, and prostate cancers are reported, find high indoor air and dust concentrations of carbaryl, permethrin, and 2,4-D.⁴¹
- A study published in *Environmental Health Perspectives* found that children who eat a conventional diet of food produced with chemical-intensive practices carry residues of organophosphate pesticides that are reduced or eliminated when they switch to an organic diet.⁴²
- Scientists at the California Department of Public Health found that 28% of the mothers studied who lived near fields in the Central Valley, which were sprayed with organochlorines, such as endosulfan and dicofol, have children with autism.⁴³
- A 2005 study published in the *Journal of the American Medical Association* found that students and school employees are being poisoned by pesticide use at schools and from drift off of neighboring farmlands.⁴⁴



Children who eat a diet of food produced with chemical-intensive practices carry pesticide residues that are reduced or eliminated when they switch to an organic diet.

Resources

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COUNTY NEIGHBOR NOTIFICATION LAW: SUMMARY OF PROVISIONS

	Commercial Pesticide Applicators	Multiple Dwellings and Other Premises	Residential Lawn Pesticide Users	Retail Stores
MAJOR REQUIREMENT	Lawn care companies must provide 48-hour written advance notice to occupants of all abutting properties within 150 feet of an eligible pesticide application, and to owners or owners' agents of all other types of premises that are on abutting property within 150 feet of the site of such application.	Owners or owners' agents of multiple-family dwellings must supply a copy of any written notice they receive to all occupants. Owners or owners' agents of all other types of premises shall post such written notice in a prominent location.	Residents must post flags if they apply pesticides on more than 100 square feet of lawn, as commercial applicators do.	Stores that sell lawn care pesticides to the general public must post signs informing consumers about the new law and how to comply.
APPLICABILITY	Applies to all commercial lawn pesticide applications except: certain nontoxic and low-toxicity pesticides; granular pesticides; spot treatments of less than 9 square feet; emergency applications; and spot treatments for stinging and biting insect control.	Applies to any dwelling of three or more unrelated families, or to other types of premises that are nonresidential.	Applies to all general use lawn pesticides.	Applies to all stores that sell general use lawn pesticides.
PENALTIES	Commercial applicators will be subject to the same penalties as they are under other aspects of the pesticide law: a civil penalty of up to \$5,000 for the first violation, and up to \$10,000 for each subsequent offense. Violators may also be subject to criminal sanctions with steeper fines and possible prison terms depending on the type of pesticides involved and culpable mental state.	First-time violators would receive a written warning and educational materials. They would be liable for a civil penalty of up to \$100 for the first violation, and up to \$250 for any subsequent violation.	First-time violators would receive a written warning and educational materials. They would be liable for a civil penalty of up to \$100 for the second violation, and up to \$250 for any subsequent violation.	First-time violators would receive a warning and would be given seven days to correct the violation. They would be liable for a civil penalty of up to \$100 for the second violation, and up to \$250 for any subsequent violation.



Rebutting Industry's Arguments Against Pesticide Neighbor Notification

The pesticide applicator industry in New York State is waging a pitched battle to prevent counties from adopting the requirements of the state's new Pesticide Neighbor Notification Law. Under the law's provisions, counties may opt in to a program that requires commercial pesticide applicators to provide advance notice to abutting neighbors before certain lawn and ornamental pesticide applications are made to neighboring properties.

While the industry's opposition is well organized, its arguments are without merit and easily answered. They have already failed to convince the New York State Legislature and the county legislatures that have adopted pesticide neighbor notification. To date, the Neighbor Notification law has been adopted by Albany, Erie, Monroe, Nassau, Rockland, Suffolk, Tompkins, Ulster and Westchester counties and New York City. Below is a response to some of the main objections raised by industry concerning the Neighbor Notification Law.

Industry Argument #1: Because the Pesticide Neighbor Notification Law exempts granular pesticides, it will result in an increase in their use which will threaten groundwater.

Response: Granular pesticides were exempted from the law as a result of intense industry lobbying, which led the Legislature to decide that, because granular formulations are heavier and less likely to drift, people did not need prior warning to close windows and take other precautions when granulars are applied. The Legislature concluded that posting at the time of application, as is required under current law, would allow sufficient time for the kind of precautions needed to address risks from granulars.

Although environmental groups opposed this exemption on the principle that there should be as much prior notice as possible before *all* pesticide applications, nonetheless, there are three key reasons why the granular exemption will not pose the hazards that industry (*after specifically seeking such an exemption*) now threatens:

1. Granular pesticides represent a subset of pesticide use. They cannot be substituted for applications to trees, shrubs, and flowers — applications which have resulted in some of the worst drift episodes. The exemption applies only to granular pesticides applied to the ground.

2. The law also exempts many organic and least-toxic pesticides. There is no reason to assume that a shift in use will only be in the direction of greater granular use. An increase in the use of least-toxic materials is equally likely.
3. If applicators do shift more to granular use, they will be shifting away from liquid, powder, and dust pesticides. There is no evidence that pesticides formulated as granulars pose any greater groundwater (or other) risk than other types of pesticide formulations. It is a shift in form but not, as far as is currently known, a change in risk.

Industry Argument #2: Pesticide Neighbor Notification will cause industry to move away from integrated pest management (IPM), which is intended to minimize pesticide use, and instead make routine scheduled pesticide applications.

Response: The industry characterizes IPM as a matter of holding one's breath and then spraying the minute a pest problem arises. But IPM is a holistic concept. When it comes to lawns and ornamental plants, IPM takes into account soil fertility, soil aeration, appropriate plantings that are well-adapted to the environment (disease and pest-resistant), pruning, mowing height, and a host of other factors. It also takes into account the natural balance of soil biota, such as earthworms, and natural predators for pests. Each time an applicator resorts to using a pesticide, he or she zeroes out the beneficial effects of many of these previous practices – killing earthworms and natural predators and allowing opportunistic pests, weeds, and fungi to flourish. Pesticide Neighbor Notification will not affect *true* IPM practices because such practices are not based on crude “spray and pray” responses.

Furthermore, the law exempts from notice many materials that are considered lower risk, such as pesticides classified by the EPA as exempt materials due to lack of toxicity, and horticultural soaps and oils that do not contain synthetic pesticides or synergists. It is the presence of these least-toxic exemptions that led the New York State Department of Environmental Conservation to determine that pesticide neighbor notification would not have an effect on IPM practices.

And finally, it is essential to remember that toxic chemicals need never be used for the purely aesthetic purpose of lawn and ornamental care. Prior to the age of synthetic chemicals, everyone's lawn was organic. There is no public health or environmental imperative to have it be otherwise.

Industry Argument #3: A voluntary registry, rather than mandatory notification, would be more efficient because it would target notice to those people who want it.

Response: Registries exist in other states and they are uniformly undersubscribed because it is so difficult to make people aware of their existence. Some states make little effort to publicize their registries, and some even require a doctor's note to enroll. For many people, their first encounter with the hazards of pesticides takes the form of an accidental exposure from pesticides sprayed on a neighboring property that drifted into their yards and even inside their homes. As these families repeatedly point out, they had no idea that their neighbors even used pesticides until after they had been injured. A registry is too late for them. Had they been told of an impending application on their neighbors' property, they could have prevented the injury in the

first place. Preventing injury and exposure for *everyone*, not just the lucky few who happen to hear of a voluntary registry, should be a public health priority.

In a clear demonstration of the problems with registries, the lawn care industry actually created a statewide voluntary registry, complete with toll-free number, in the summer of 2000, but few people are aware of it. It is precisely this lack of awareness that industry counts on and the reason why they push this alternative. Indeed, the industry has chosen not to even publicize this registry. A letter from the New York State Lawn Care Association to its member applicators in Erie County, for example, explicitly instructed them *not* to give out the toll-free registry number "at random," but only when asked.

Since counties lack the legal authority to craft their own pesticide laws, they cannot enact a legally-binding notification registry. In several counties, the industry has proposed that counties assume the burden of publicizing and maintaining "voluntary registries." Local companies can then voluntarily provide notice to people who sign up, or not - there is no legal requirement for them to do so. Most counties have rejected this approach as being too costly and ineffective, and insufficiently protective of public health. Only two counties (Erie and Ulster) have experimented with setting up such registries, and both ultimately rejected them and adopted the Neighbor Notification Law.

In the costliest experiment with a voluntary registry so far, Erie County launched a county-run voluntary registry in May 2003 as an alternative to adopting the Neighbor Notification Law. In a few short months, the county was flooded with requests from more than 12,000 citizens requesting to be added to the registry. Erie County spent more than \$100,000 to publicize and administer this registry, which was developed with significant input from local pesticide applicators. Environmental and public health advocates insisted, however, that the County also allocate \$18,000 for an independent evaluation of the program at the end of the first season.

This evaluation, which can be found at www.erie.gov, provides the most conclusive evidence to date that voluntary registries are not effective. A survey found that nearly three quarters of the people who signed up for the registry never received advance notice! As a result of the strong public interest in this program, as well as the flaws with the voluntary registry that were revealed through the evaluation, Erie County Executive Joel Giambra announced his support for opting into the Neighbor Notification Law, and the Erie County Legislature passed the local law shortly thereafter.

Voluntary registries are unacceptable for the following further reasons:

1. Unlike the Pesticide Neighbor Notification Law, a voluntary registry does not have the force of law behind it. This means that if applicators fail to provide the promised notice under the voluntary approach, a neighbor has no recourse. A voluntary registry, therefore, does not provide a real right-to-know. The applicator industry, which claims that notice is too onerous to provide, holds all the cards - deciding when, where, and if, a resident gets the requested notice, and leaving no options to neighbors if notice is not provided. Exemplifying this, the New York State Lawn Care Association requires people to sign a liability waiver before enrolling in its current voluntary registry.

2. Other laws designed to inform people of potential toxic exposures do not require that they sign up to be informed about basic health hazards. Water quality violations, for example, are mailed home with water bills; general air pollution alerts are read on the nightly news. Toxic pesticides pose potential hazards that warrant similar precautions, as a glance at any pesticide product label readily confirms.

3. Neighbor notification will not generate unwanted notices. Applicators argue that the Pesticide Neighbor Notification Law will mean wasting time by giving notice to people who do not want it instead of people who specifically request it. The Neighbor Notification law, however, allows people who do not want notice to formally decline it. In essence, this approach is the voluntary registry concept in reverse, with the presumption in favor of giving people information to protect their health, rather than withholding it.

The applicator industry argues two contradictory positions simultaneously; first, that the prior notice is an impossible burden for them, and secondly that prior notice of a voluntary registry would take care of the need. *In essence, in pushing for a registry, applicators are banking on the dismal track record of registries that fail to reach people and the fact that they are unenforceable.* It is strategy designed to prevent people from knowing what is going on in their neighborhoods, not to inform them, and this is why it failed to convince the State Legislature even after years of intense lobbying.

Industry Argument #4: Pesticide Neighbor Notification will be so expensive it will put applicators out of business.

Response: The "Chicken Little" argument that any added regulation will kill industry is not unique to this issue. Every time a move to strengthen regulation for any industry is contemplated, the affected businesses plead collapse. Most recently, pesticide applicators claimed the 1996 Pesticide Reporting Law would cost them millions and put them out of business. Of course, this did not come to pass.

Lawn care companies have choices and the Neighbor Notification law does not limit them in any way. The law simply requires advance notification of certain toxic chemicals. Applicators can choose to use exempted materials, or no pesticides at all (which is clearly the safest choice). But if they choose to use pesticides covered under this law – the ones most likely to spray and drift onto neighboring properties -- they would have to notify neighbors in advance. The health effects of pesticides, like secondhand smoke, impact more than just the user, and people have a right to be warned about impending exposures in order to protect themselves and their families.

As we accumulate more and more evidence about pesticide risks, businesses which use these inherently dangerous products must recognize that they will be subject to increasing scrutiny and attempts to protect people from harm. Just as other industries evolve as understanding of risks evolves, so too must the pesticide applicator industry. *Nobody's health should ever be balanced against a crabgrass-free lawn.*

Industry Argument #5: Pesticide Neighbor Notification will increase the number of homeowners who apply pesticides on their own, resulting in greater harm to human health and the environment.

Response: This argument assumes that the cost to consumers of lawn care services will rise so steeply as a result of the Neighbor Notification law that many will cancel their contracts with professional landscapers and apply pesticides on their own. However, there is no evidence to date showing that this will happen. It could as easily be argued that, as people learn more about pesticide hazards due to this law, they will switch to safer, nontoxic alternatives for lawn care and to hiring services that use these practices. No one is forced to make cosmetic pesticide applications to their lawn – they do so by choice.

The pesticide industry frequently argues that homeowners pose the most harm when applying pesticides because they do not have the same training and equipment as certified applicators and ignore product label warnings. In fact, a recent EPA analysis of poison control data found that pesticide applicators and their products were responsible for a disproportionate number of serious poisonings compared to homeowner applications and poisoning. The EPA report stated that “Part of this increased hazard results from exposure to higher toxicity concentrates [than the general public has access to] and part is due to careless, poorly supervised, and/or poorly trained PCOs [pest control operators]” (USEPA, 1999). The people who work for lawn care companies in New York are often recent immigrants, many of whom cannot read English, and high school and college students working summer jobs. A certified pesticide applicator is not required to be on-site supervising them; he or she must simply be available by telephone.

In contrast, most homeowners do read label instructions and can be presumed to be extra careful when applying pesticides to their own property. A local survey recently conducted in Geneva, New York found that 91% of the survey respondents who applied pesticides on their own lawns said they read the product label before applying. Furthermore, commercial applicators have access to far more potent products than the general public.

Conclusion: While the Pesticide Neighbor Notification Law does not include everything environmentalists and public health advocates had hoped it would, it is a big and long-overdue first step. In those counties where notice is currently in effect, neighbors have already received valuable information regarding a host of chemicals to which they were about to be exposed, including some products that are classified by the U.S. Environmental Protection Agency (EPA) as suspected carcinogens, and others that are being phased out by the EPA because of their high risk to infants and children. This is essential public health information, and a modest step at that.

Industry doesn't want people to know the risks to which they are subjecting them. But county governments should put the health and safety of their residents first.

Revised, 7/2/07



Frequently Asked Questions About The Pesticide Neighbor Notification Law

Q: What does New York's Pesticide Neighbor Notification Law do?

The state law, which was enacted in 2000, has two major components. It requires all schools and day care centers to provide certain types of notification before and after pesticides are applied on their premises. It also allows counties, and the City of New York, to adopt uniform notification standards for lawn pesticide applications (see below).

Q: Who supports it and why?

This law was passed after years of grassroots lobbying by environmental, breast cancer, children's health, and other public interest advocates from across the state who were concerned about the health effects of pesticides. Pesticides can cause a myriad of acute impacts, such as headaches, dizziness, nausea, seizures, and respiratory problems, and long-term damage, such as neurological impairment, hormone disruption, reproductive disorders, and cancer. Children and developing infants are especially vulnerable. Advance notice allows people to take common-sense precautions to minimize their families' exposure to hazardous pesticides in their communities.

Q: What can counties do to require Neighbor Notification?

Counties must pass a local law to "opt into" the state's lawncare notification requirements. The state law must be adopted in its entirety and cannot be modified. So far, the law has been adopted by: Suffolk, Nassau, Westchester, Albany, Rockland, Tompkins, Erie, Monroe and Ulster counties, and New York City (listed in order of adoption) -- 75% of New York's population.

Q: What is covered under the lawn notification requirements?

At least 48 hours before treating a lawn or yard with certain pesticides, commercial applicators will have to provide a written warning notices to abutting properties within 150 feet of the application. In most cases, this would mean five properties: one on each side, and three in the rear. In addition, people who apply their own lawn pesticides will have to flag the treated areas, the way lawn care companies already do. Stores that sell lawn care pesticides to the general public will have to post information signs about the new law and how to comply with it.

Q: Are there exemptions from 48-hour advance notice?

Yes. Lawn care companies do not have to provide advance notice if they use nontoxic pesticides, such as horticultural soaps and oils, or certain low toxicity pesticides, such as boric

acid. Spot treatments of areas less than nine square feet are exempt, as are spot treatments of stinging insects such as bees and wasps. In addition, granular pesticides are exempt, since they are less likely to drift during application than other types of pesticides such as sprays, dusts, and powders. However, all commercial lawn pesticide applications, including granular pesticides, still require flagging after the fact, so that people will not inadvertently enter the treated area.

Q: Can't municipalities pass their own laws requiring advance notice?

No. New York State does not allow local governments to regulate any aspect of pesticide use in their communities. In fact, Nassau County tried to pass its own Neighbor Notification law in 1996, but was prohibited by state law from doing so.

Q: What will the notice include, and how can I protect my family?

The notice will include the location of the application, scheduled application date and two rain dates, the name of the pesticides that will be used, the name of the company making the application, and a hotline you can call for more information. Advance notice allows you to take whatever steps you feel are necessary to protect your family and property from exposure. Simple precautions you can take to minimize your exposure include: closing windows; keeping pets and kids indoors; covering barbecues, pools, and outdoor furniture; bringing in children's toys, pet bowls, and laundry; and covering vegetable gardens, valuable ornamental plants, and birdfeeders. People who have chemical sensitivities may choose to go away for a few days.

Q: Does the Neighbor Notification law cover all outdoor pesticide use?

No. This law addresses prior notice for commercial pesticide applications on lawns, shrubs, and trees only. It does not address the use of pesticides for agriculture, structural pest control (such as termites or carpenter ants), or vector-borne disease control (such as mosquitoes). Public agencies are exempt from the notification requirements. The law also exempts golf courses, cemeteries, and turf farms.

Q: What impact will this law have on overall pesticide use?

As people become more aware of pesticide hazards and the ready availability of safe and effective alternatives, they will choose to reduce their use of hazardous lawn pesticides. This law will help spur this transition because it exempts nontoxic pesticides, such as horticultural soaps and oils, from the advance notice requirements, and because it will inform citizens about the pesticides used in their neighborhoods. People can have healthy and beautiful lawns and gardens without the use of synthetic chemicals.

Q: What can I do to help?

You can help by urging your County Legislature or Board of Supervisors to adopt the Neighbor Notification law, if they haven't already done so. You can also help by maintaining your lawn without synthetic pesticides and informing your friends and neighbors about safe and effective lawn care alternatives.

For more information about this law, pesticide hazards, or how you can have a healthy, pesticide-free lawn, please visit NYPIRG's web site at www.nypirg.org. You can also e-mail us at pesticides@nypirg.org or call 518-436-0876.

Updated: 7/2/07



NYPIRG SUPPORTS

LEGISLATIVE MEMORANDUM NO.: LL-2015 CONTACT: Russ Haven PHONE 518 436 0876

RESOLUTION NO. 2015214, AUTHORIZING PESTICIDE NEIGHBOR NOTIFICATION

RESOLUTION NO. 2015216, REGARDING THE CHILDREN'S PRODUCT SAFETY ACT OF 2015

RESOLUTION NO. 2015238, REGARDING PROHIBITING THE SALE OF COSMETIC PRODUCTS CONTAINING MICROBEADS

SUMMARY OF PROVISIONS:

Resolution No. 2015214, Authorizing Pesticide Neighbor Notification would allow the Dutchess residents to join New Yorkers the dozens of other counties that pursuant to state law are required to receive timely notice when neighbors are having commercial pesticide applications.

Resolution No. 2015216, The Children's Product Safety Act would ban the presence of seven toxic metals in products primarily intended to be used by children up to age 12. The toxic metals covered are antimony, arsenic, benzene, cadmium, formaldehyde, lead and mercury. These chemicals cause or are associated with serious health and developmental consequences for exposed children, including cancer, organ damage and learning disabilities. The Department of Health would implement the law and is authorized to promulgate regulations to implement the law.

Resolution No. 2015238, Prohibiting The Sale Of Cosmetic Products Containing Microbeads, would ban the use of synthetic microbeads, which are used in personal care products as exfoliants, but have been documented to cause environmental harms, interfere with municipal sewage treatment control facilities and be persistent in the food chain.

STATEMENT OF SUPPORT:

These common-sense proposals follow actions on identical bills in other counties throughout the state and are examples of local governments exercising leadership in cases where Albany and Washington have failed to establish strong laws.

Most important, these proposals protect public health and the environment. Each takes a preventative approach to known, predictable hazards that are well documented. The Children's Product Safety Act would take a preventative approach to children's health by requiring manufacturers to remove or dramatically reduce the presence of toxic chemicals in products used by children in their everyday lives. The microbeads proposal seeks to require the makers of soaps, shampoos and other personal cleansers to use safe, quickly biodegradable products that do not present risks to the environment, aquatic life or water treatment facilities. And the pesticide notification law would allow parents, caregivers and pet owners to be forewarned and take actions they deem appropriate to protect themselves from pesticide drift and exposure.

NYPIRG URGES YOUR SUPPORT FOR THESE IMPORTANT BILLS.

107 Washington Avenue, 2nd Floor • Albany, NY 12210-2270 • 518-436-0876 • Fax 518-432-6178
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Wager, Leigh

From: Jordan Christensen [jchristensen@citizenscampaign.org]
Sent: Thursday, October 08, 2015 10:30 AM
To: County Legislators; CountyLegislature
Subject: CCE Comments for GSO Committee
Attachments: Comments on Dutchess Local Law 216, Child Safe Products.docx; Comments on Dutchess private well testing law.docx; Comments on Dutchess Pesticide Neighbor Notification Law.docx; Dutchess Microbeads Testimony.docx; The-Microbeads-2-Pager.pdf

Hello Legislators,

I will be attending the GSO committee hearing tonight to testify in support of the 4 bills on the agenda. In advance of my testimony, please find attached comments on each of the four bills as well as my organization's factsheet on plastic microbeads. In addition, [here](#) is a report issued by Attorney General Schneiderman on microbeads that is referenced in my testimony, and [here](#) is another AG study done last year that found that 74% of NY's wastewater treatment plants surveyed were discharging microbeads. In addition, in case you have not been contacted by League of Conservation Voters on the Children's Products law yet (216-2015), here are reports that the organization put out that found toxic chemicals in children's products in [Erie County](#), [Long Island](#), and [Westchester County](#).

Thank you,
Jordan

Jordan Christensen
Program Coordinator
Citizens Campaign for the Environment
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Farmingdale, NY 11735
516-390-7150

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Empowering Communities, Advocating Solutions.

**Comments on Local Law 214-2015
Dutchess County Legislature
Poughkeepsie, NY
October 8, 2015**

**Testimony by Jordan Christensen, Program Coordinator
Citizens Campaign for the Environment**

My name is Jordan Christensen and I represent Citizens Campaign for the Environment (CCE). CCE is an 80,000 member non-profit, non-partisan advocacy organization that works to protect public health and the natural environment. Protecting human health from exposure to harmful pesticides is of the utmost importance to the organization, and enacting Neighbor Notification Laws is critical to allow residents to make safe, healthy choices for themselves and their families. **I urge you to pass Local Law 214 and require neighbors be notified when commercial or residential pesticides are used in the county.**

Each year, hundreds of thousands of pounds of pesticides are used on residential lawns in counties in New York, mostly for aesthetic purposes. However, peer reviewed science continues to uncover the links between pesticide exposure and serious human health problems. These include acute impacts, such as headaches, dizziness, nausea, seizures and respiratory problems; and long-term damage, such as neurological impairment, hormone disruption, reproductive disorders and cancer. Fetuses, infants and children, the elderly and people with compromised immune systems are especially vulnerable to these risks.

Although many residents choose to either stop using these dangerous chemicals or to use safer organic alternatives, the risk of exposure to pesticides still remains. When commercial applicators spray pesticides, the chemicals frequently drift onto adjacent properties, potentially putting neighbors' health, as well as their pets and property, at risk. Notifying neighbors in advance of when commercial spraying is done allows people to take precautions, like keeping children and pets inside, closing windows, and covering vegetable gardens and grills.

To help educate the public and protect human health, the majority of the counties in the state have enacted a neighbor notification law, which requires pesticide applicators give residents 48-hour notice before spraying harmful pesticides and requires residents to post signage when spraying has been done. In addition, these laws require pesticide retailers post signage near

pesticides that lets their customers know that they are required to post warning signs on their lawns when applying pesticides themselves. These measures not only help neighbors take the proper precautions, they also effectively educate residents on the risks associated with pesticide exposure and help promote the use of safe, organic alternatives, which many applicators already offer as an alternative to traditional pesticide use. This law provides an incentive for pesticide companies to use the safer alternatives, which ultimately benefits public health and the environment.

It is time that Dutchess County join the counties across the state, including Suffolk, Nassau, Westchester, Rockland, Albany, Tompkins, Erie, Monroe, and Ulster counties, as well as the five Burroughs of NYC, in requiring neighbor notification for pesticide spraying. **I urge the Committee to pass Local Law 214 today.**

The foregoing Resolution No. 2015214, A Local Law Authorizing Pesticide Neighbor Notification, was laid on desks on August 10, 2015, offered for discussion only on September 8, 2015, at the Government Services and Administration Committee, and tabled at the Government Services and Administration Committee on October 8, 2015.

No further action was taken on this resolution in 2015.

Government Services and Administration Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*	7 absent	
District 6 - Town of Poughkeepsie	Flesland*	✓	
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*	✓	
District 10 - City of Poughkeepsie	Jeter-Jackson*		✓
District 16 - Town of Fishkill and City of Beacon	MacAvery*	absent	
District 12 - Town of East Fishkill	Weiss (VC)	✓	
District 14 - Town of Wappinger	Amparo	✓	
District 17 - Town and Village of Fishkill	Miccio	✓	
District 20 - Town of Red Hook	Strawinski	absent	
District 22 - Towns of Beekman and Union Vale	Hutchings	✓	
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes	✓	
District 24 - Towns of Dover and Union Vale	Surman (C)	absent	

Present: 98
 Absent: 84
 Vacant: 0

Resolution: ✓
 Motion: ✓

Total : 78 1
 Yes No
 Abstentions: 0

DB move to table GH

2015214

10.8.15

RESOLUTION NO. 2015215

RE: LOCAL LAW NO. OF 2015, A LOCAL LAW FOR WELL TESTING TO PROTECT PROPERTY BUYERS, TENANTS, AND CUSTOMERS OF COMMERCIAL ESTABLISHMENTS IN DUTCHESS COUNTY FROM DRINKING CONTAMINATED WATER

Legislators TYNER, FARLEY, STRAWINSKI, and PERKINS offer the following and move its adoption:

WHEREAS, the County Attorney has stated that the Water Regulations issued by the Dutchess County Board of Health were not enforceable, and

WHEREAS, the County Attorney and County Executive have stated that mandating the testing of private wells can only be done through the legislative branch, and

WHEREAS, it is imperative to ensure that when people buy homes in Dutchess County that they know the status of the water quality of the well serving their home, and

WHEREAS, the Water Regulations also include provisions for well testing by landlords in order to protect renters, and also includes provisions for employers with private wells to comply with well testing to protect employees and customers, and

WHEREAS, it is important to have a water standard for both public and private water sources across the County to ensure public safety, and

WHEREAS, additionally, the information obtained by having private wells tested will help track the path of contamination and alert homeowners of possible water problems, now, therefore, be it

RESOLVED, that the Legislature of the County of Dutchess adopts Local Law No. of 2015, which has been submitted this day for consideration by said Legislature, and, be it further

RESOLVED, that a copy of this resolution with its attachment be forwarded to the Department of Health Interim Commissioner Kari Reiber and members of the Board of Health.

NO FURTHER ACTION TAKEN IN 2015

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 13TH day of October 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13th day of October 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. OF 2015

RE: A LOCAL LAW FOR WELL TESTING TO PROTECT PROPERTY
BUYERS, TENANTS, AND CUSTOMERS OF COMMERCIAL ESTABLISHMENTS
IN DUTCHESS COUNTY FROM DRINKING CONTAMINATED WATER

BE IT ENACTED by the County Legislature of the County of Dutchess as follows:

Section 1: Title.

The Title of this Local Law shall be, "Private Water Supplies".

Section 2: Legislative Finding, Intent, and Purpose.

The Dutchess County Legislature enacts this Local Law for purposes of providing mandatory private well testing on all properties that rely upon a private water supply that is utilized for purposes of human consumption in the County of Dutchess. The intent of this law is to provide a water quality standard for both public and private water sources across the County to ensure the public's safety against contaminated water sources. Towards that end, this local law will ensure that when people buy residential homes in Dutchess County that they know the status of the water quality of the well serving their home, and that all residential rental properties in Dutchess County that fail the test for water quality compliance provide corrective action for the benefit of tenants. This local law also will provide the same assurances of water quality for employees, tenants, and the public at commercial establishments.

Section 3: Definitions.

A. The term "private water supply" shall mean any water supply utilized for the purposes of human consumption not identified as a public water supply by Article 5 of this Code or by Part 5 of the New York State Sanitary Code.

B. The term "residential rental property" shall mean any "dwelling" or "dwelling unit" [as those terms are defined in Article 21 of the Dutchess County Sanitary Code at Section 21.1(G) and 21.1(H) which is occupied by other than an owner thereof and for use or occupation of which rent or consideration is periodically paid to the owner.

C. The term "commercial building" shall mean any structure which is wholly or partially used or intended to be used for commercial purposes, including, but not limited to, office buildings, stores, markets, shops, malls, marinas, restaurants, clubs, gas stations, or car dealerships.

D. The term "commercial rental property" shall mean any "commercial building or commercial unit which is occupied by other than an owner thereof and for use or occupation of which rent or consideration is periodically paid to the owner.

Section 4: Periodic Well Testing and Maximum Contaminant Levels.

A. That the test parameters and associated maximum contaminant levels for private water supplies shall be New York State Sanitary Code Part 5 parameters for public water supplies as modified and specifically targeted by this Local Law in Section 9 for the needs of the County's private water supplies.

B. The Dutchess County Commissioner of Health will make available to the public within Dutchess County, the private water supply test parameters and associated maximum contaminant levels.

Section 5: Residential Rental Property Well Permit.

Within six months of the passage of this local law every owner of residential rental property with a private well in Dutchess County, which serves a residential rental property's water supply, shall be required to possess a valid residential rental property permit issued by the Dutchess County Commissioner of Health, or appointed designee.

Private wells in operation as of January 1, 2015, shall be deemed to possess such permit, however, such grandfathered permits for existing wells shall not signify that such wells have been tested or are in compliance with current Health Department parameters and such permits shall expire January 1, 2017.

Owners of residential rental property serviced by private wells put into operation subsequent to January 1, 2015, shall be required to apply for a valid residential rental property permit, which shall expire six years from issuance. The issuance of such permit shall be conditioned upon demonstration that the water supply has been tested and falls within the acceptable test parameter limits established by the Dutchess County Commissioner of Health, which shall have been performed within one year prior to issuance or renewal of the permit.

Water sample analysis shall be performed by a laboratory as per Section 9. Water sample collection shall be conducted in a manner approved by the Dutchess County Commissioner of Health. All test results must be filed with the Department of Health by the laboratory. In the event that test results indicate that tenants' drinking water is not in compliance with current approved Health Department parameters, the Department of Health will immediately notify the Department of Environmental Conservation.

In the event that test results of residential rental properties indicate that tenants' drinking water is not in compliance with current approved Health Department parameters, tenants shall be so notified in writing by the Landlord within seven days. In addition, if the Department of Conservation is not taking investigative action and/or remediation after thirty days of notification by the Department of Health, then, enforcement action will be taken by the Dutchess County Department of Health pursuant to Dutchess County Sanitary Code Article 4 to compel corrective action by Landlord.

Corrective action may include, but is not limited to, requiring the Landlord to install a filtration system to bring water quality into compliance and/or requiring the Landlord to provide an alternative source of potable water to tenants.

Failure to provide proof of remediation within thirty days of enforcement taken by the Department of Health will result in the Department of Health levying a \$1,000 fine. For each succeeding thirty day periods, where no proof of corrective action has been provided, an additional \$1,000 fine will be levied by the Department of Health for each additional thirty day period. If the property owner can prove beyond doubt that they have made a good-faith effort to contact a firm to test the well water there, the Department of Health will take this into consideration and no fine will be levied.

Residential Rental Property Wells currently being tested as though they were on a public water supply are exempt from this local law as long as the wells are being tested to the same standards as public water supplies.

Section 6. Dwelling Well Permit Requirement: Permit non-transferable.

Within six months of the passage of this local law and contingent upon the Dutchess County Legislature providing sufficient resources to enable the Dutchess County Health Department to provide for enforcement of this regulation, every owner of a private well in Dutchess County, which serves a private water supply, shall be required to possess a valid permit issued by the Dutchess County Commissioner of health, or appointed designee. Private wells in operation as of January 1, 2015 shall be deemed to possess such permit and shall be deemed grandfathered to possess such permit until such time that title to the real property for which the private well provides water for human consumption is transferred at which time the existing well shall be tested by the seller before the closing to determine if it is in compliance with currently approved Health Department parameters as per Section 4. The approved laboratory doing the water testing shall be directed by the seller to provide the full test results to the seller and to file the results with the Department of Health. Full test results must be given to the buyer and the Department of Health prior to the closing.

If a well test meeting the Department of Health collection specifications has been done within three years of the home's sale and if those results are on file with the Department of Health and have been given to the buyer, another full test will not be required, except for testing of bacteria, e-coli, nitrates, nitrites and POC (Principal Organic Chemicals); the exceptions should be done within six months.

If the test results are satisfactory, the Department of Health will then issue the appropriate well permit prior to closing.

If the test results do not meet the required standards, it will be the responsibility of the buyer and seller to agree on appropriate action before the closing of the sale and issuance of the well permit.

Owners of new private wells put into operation subsequent to January 1, 2015 shall be required to meet the standards set in Section 4, before being granted a valid permit. Water sample analysis shall be performed by a laboratory as per Section 9. Water sample collection shall be conducted in a manner approved by the Dutchess County Commissioner of Health.

If the property owner can prove beyond doubt that they have made a good-faith effort to contact a firm to test the well water there, the Department of Health will take this into consideration and no fine will be levied.

Section 7: Commercial Property Well Permit.

Within six months of the passage of this local law every commercial business property with a private well in Dutchess County, where said water from that well is used for consumption by employees and/or the public, that commercial property shall be required to possess a valid permit for such well issued by the Dutchess County Commissioner of Health, or appointed designee.

Private wells in operation as of January 1, 2015, shall be deemed to possess such permit, however, such grandfathered permits for existing wells shall not signify that such wells have been tested or are in compliance with current Health Department parameters, and such permits shall expire January 1, 2015.

Owners of commercial property serviced by private wells put into operation subsequent to January 1, 2015 shall be required to apply for a valid commercial property permit, which shall expire six years from issuance. The issuance of such permit shall be conditioned upon demonstration that the water supply has been tested and falls within the acceptable test parameter limits established by the Dutchess County Commissioner of Health, which shall have been performed within one year prior to issuance of renewal of the permit.

Water sample analysis shall be performed by a laboratory as per Section 9. Water sample collection shall be conducted in a manner approved by the Dutchess County Commissioner of Health. All test results must be filed with the Department of Health by the laboratory. In the event that test results indicate that the drinking water is not in compliance with current approved Health Department parameters, the Department of Health will immediately notify the Department of Environmental Conservation.

In the event that test results of such properties indicate that the drinking water is not in compliance with current approved Health Department parameters, commercial property owners will post in a visible location within seven days the test results.

In addition if the Department of Conservation is not taking investigative action and/or remediation after thirty days of notification by the Department of Health, then enforcement action will be taken by the Dutchess County Department of Health pursuant to Dutchess County Sanitary Code Article 4 to compel corrective action by the owner. Corrective action may include, but is not limited to, requiring Owner to install a filtration system to bring water quality into compliance and/or requiring the Owner to provide an alternative source of potable water to employees and/or the public.

Failure to provide proof of remediation within thirty days of enforcement taken by the Department of Health will result in the Department of Health levying a \$1,000 fine. For each succeeding thirty day periods, where no proof of corrective action has been provided, an additional \$1,000 fine will be levied by the Department of Health for each additional thirty day period. If the property owner can prove beyond doubt that they have made a good-faith effort to contact a firm to test the well water there, the Department of Health will take this into consideration and no fine will be levied.

Commercial Property Wells currently being tested as though they were on a public water supply are exempt from this local law as long as the wells are being tested to the same standards as public water supplies.

Section 8: Commercial Rental Property Well Permit

Within six months of the passage of this local law every owner of commercial rental property with a private well in Dutchess County, which serves a commercial rental property's water supply, shall be required to possess a valid commercial rental property permit issued by the Dutchess County Commissioner of Health, or appointed designee.

Private wells in operation as of January 1, 2015, shall be deemed to possess such permit, however, such grandfathered permits for existing wells shall not signify that such wells have been tested or are in compliance with current Health Department parameters and such permits shall expire January 1, 2107.

Owners of commercial rental property serviced by private wells put into operation subsequent to January 1, 2015, shall be required to apply for a valid residential rental property permit, which shall expire six years from issuance. The issuance of such permit shall be conditioned upon demonstration that the water supply has been tested and falls within the acceptable test parameter limits established by the Dutchess County Commissioner of Health, which shall have been performed within one year prior to issuance or renewal of the permit.

Water sample analysis shall be performed by a laboratory as per Section 9. Water sample collection shall be conducted in a manner approved by the Dutchess County Commissioner of Health. All test results must be filed with the Department of Health by the laboratory. In the event that test results indicate that the drinking water is not in compliance with current approved Health Department parameters, the Department of Health will immediately notify the Department of Environmental Conservation.

In the event that test results of commercial rental properties indicate that the drinking water is not in compliance with current approved Health Department parameters, commercial property owners will notify tenants in writing and have posted in a visible location within seven days the test results. In addition, if the Department of Conservation is not taking investigative action and/or remediation after thirty days of notification by the Department of Health, then enforcement action will be taken by the Dutchess County Department of Health pursuant to Dutchess County Sanitary Code Article 4 to compel corrective action by Landlord. Corrective action may include, but is not limited to, requiring the Landlord to install a filtration system to bring water quality into compliance and/or requiring the Landlord to provide an alternative source of potable water to tenants, employees, and/or the public.

Failure to provide proof of remediation within thirty days of enforcement taken by the Department of Health will result in the Department of Health levying a \$1,000 fine. For each succeeding thirty day periods, where no proof of corrective action has been provided, an additional \$1,000 fine will be levied by the Department of Health for each additional thirty day period.

Commercial Rental Property Wells currently being tested as though they were on a public water supply are exempt from this local law as long as the wells are being tested to the same standards as public water supplies.

Section 9: Testing Requirement, Procedures, and Minimum Parameters.

Laboratory requirements

All analysis shall be performed by a Laboratory approved by the New York State Department of Health, "Environmental Laboratory Approval Program".

Collection Requirements and Testing Procedures

Water Samples shall be collected either by a Laboratory approved by the New York State Department of Health, "Environmental Laboratory Approval Program", a Certified Home Inspector or a Licensed Water Treatment Plant Operator.

New Wells- The well should be pumped clear and disinfected with chlorine. The sample shall be collected after the disinfectant has cleared from the system.

Existing Wells- Samples should be taken of the raw water after any existing treatment has been bypassed.

Additional testing at point of use may be necessary to determine the efficacy of any installed treatment systems

Minimum Parameters

The following list of substances and conditions shall be included in the water well test:

Fluoride, Total coliform/E. coli, Antimony, Arsenic, Barium, Chloride, Hardness, Iron, Lead, Manganese, Mercury, Nitrate, Nitrite, pH, Sodium, Sulfate, Turbidity, Principal Organic Chemicals (including MTBE), and zinc

The substances and conditions were selected based on the possibility of their presence in Dutchess County and could present a health hazard if found to be higher than specified parameters.

The Department of Health shall determine the recommended parameter for each substance. This may vary from each location as deemed appropriate by the Department of Health based on conditions and exposures for a particular locality.

Section 10: Fees

The Department of Health is authorized to charge up to \$100 for a well permit and/or well certification.

Section 11: Waiver from Testing for Specific Parameters.

The Dutchess County Commissioner of Health may grant a waiver from testing for a specific test parameter or parameters established by this article, provided that prior to the granting of any such waiver the applicant shall establish that:

- (a) testing for a specific parameter or parameters is not necessary for the protection of the health of the consumers of the drinking water and that such testing would not be cost effective for the applicant; or
- (b) other factors which would render testing for a complete regimen of established parameters unreasonable.

Section 12: Water Test Results Data.

It shall be the responsibility of the Dutchess County Commissioner of Health to make available to the public, a general compilation of water test results data, arranged or identified by municipality, locations, or appropriate geographic areas. Such general compilation shall not include the names of specific property owners or their particular numerical street address, although street names in general and identification by tax map number shall be permissible.

Section 13 Severability.

If any part or provision of this Local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances, and the Dutchess County Legislature hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 14: Supercession.

This Local Law is enacted under the authority of the Municipal Home Rule Law Section 10(1) subparagraphs (i) and (ii)(a)(12), and Municipal Home Rule Law Section 22. To the extent that Sections of the Dutchess County Sanitary Code are inconsistent with this Local law, it is the intent of the Dutchess County Legislature to supersede these Sections by virtue of this Local Law.

Section 15: Effective Date.

This local law shall take effect immediately upon full compliance with all the requisite statutes and laws applicable to its adoption and promulgation, and following the filing with the Secretary of State.

WELL-TESTING LAW

☒ No Fiscal Impact

FISCAL IMPACT STATEMENT

APPROPRIATION RESOLUTIONS

Total Current Year Cost

\$

[not being implemented 1/1/11 next year]

Total Current Year Revenue
and Source:

\$

Source of County Funds (check one): Existing Appropriations

Contingency

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Line Item (s):

Related Expenses:

Nature of Expenses:

Anticipated Savings to County:

Net county Cost (this year):

\$ 0

(over five years):

\$ 0

Additional Comments:

① ALLOCATE \$200,000 TO:

cf. 199)

A. 4010.29

Health Dept. (Environmental Health)

[staffing/materials]

[money saved on Tourism / Medical Examiner from cleaner water in county?]

**CITIZENS
CAMPAIGN**
FOR THE ENVIRONMENT



www.citizenscampaign.org

□ 225A Main Street • Farmingdale, NY 11735

516-390-7150

□ 744 Broadway • Albany, NY 12207

518-772-1862

□ 733 Delaware Road, Box 140 • Buffalo, NY 14223

716-831-3206

□ 2000 Teall Avenue, Suite #204 • Syracuse, NY 13206

315-472-1339

□ 2404 Whitney Avenue, 2nd Fl. • Hamden, CT 06518

203-821-7050

Empowering Communities, Advocating Solutions.

Comments on Local Law 215-2015

Dutchess County Legislature

Poughkeepsie, NY

October 8, 2015

**Testimony by Jordan Christensen, Program Coordinator
Citizens Campaign for the Environment**

My name is Jordan Christensen and I represent Citizens Campaign for the Environment (CCE), an 80,000 member non-profit, non-partisan advocacy organization that works to protect public health and the natural environment. **I am here today to urge you to pass Local Law 2015, which would allow for private well testing for a variety of contaminants, including heavy metals, nitrite, nitrate, sulfate, and Volatile Organic Compounds (VOCs).**

Throughout New York State, VOCs and other contaminants are being found at an increasing frequency in groundwater and pose a significant threat to public health. These contaminants come from items that homeowners use every day, including many cleansers, waxes, paints, dry cleaning products, and cosmetics as well as gasoline, kerosene, and pesticides. Exposure to these contaminants can cause a variety of health problems, including liver and kidney damage, reproductive problems, damage to the nervous system, and cancer. ***Despite increasing contamination, there are currently no laws mandating the testing of private wells, putting residents and future homeowners at risk.***

In addition to the contaminants listed in the bill, CCE recommends that the Committee include testing for pharmaceutical compounds, which is an emerging contaminant being detected in drinking water sources throughout the state.

There is no state-wide requirement for VOC testing in private wells, but testing throughout the state has consistently detected VOCs, including MTBE, benzene, toluene, 1,2 dichloroethene, trichloroethene (TCE), perchloroethene (PCE), and chloroform. For example, in Suffolk County, 70% of the wells tested rated either high or very high for VOC contamination. In Suffolk, VOC levels increased in groundwater by 4X between 1987 and 2005, with PCE levels increasing by 100% and TCE increasing by 150%. Groundwater testing throughout New York State, as well as nation-wide well testing done by the United States Geological Survey (USGS), shows similar contamination issues. Here in Dutchess, 63% of wells tested in 2010 by the

county tested positive for low levels of MTBE contamination, which is a potential human carcinogen according to the US EPA. However, the full extent of the problem is still unclear simply because no one is testing for it.

In order to begin creating safe water quality standards and addressing widespread water contamination issues, it is critical to begin testing private wells and alerting homeowners when their water is testing positive for contaminants. CCE encourages homeowners with private wells to get their wells tested at least once a year. We know that contaminants, including nitrite, heavy metals, and VOCs, are insidious and abundant. Homeowners and renters should be made aware of any issues when they choosing their residence. Since homeowners would be responsible for remediating contamination in their wells, private wells should be tested and home buyers should be made aware of any well contamination before purchasing a home, as the treatment for VOCs and other contaminants can be an added expense. In this case, ignorance is not bliss; ignorance is dangerous. **CCE commends the Committee for introducing this important legislation to begin testing private wells for a variety of contaminants and to alert residents of any contamination, and I urge you to pass Local Law 215 this year.**

Thank you.

Government Services and Administration Roll Call

District	Name	Yes	No
District 8 - City and Town of Poughkeepsie	Rolison*	absent	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	absent	
District 12 - Town of East Fishkill	Weiss (VC)		
District 14 - Town of Wappinger	Amparo		
District 17 - Town and Village of Fishkill	Miccio		
District 20 - Town of Red Hook	Strawinski	absent	
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman (C)	absent	

Present: 9
 Absent: 3
 Vacant: 0

Resolution:
 Motion: ✓

Total : 8 0
 Yes No
 Abstentions: 0

DB motion to table GH

2015215
 10.8.15

RESOLUTION NO. 2015216

RE: LOCAL LAW NO. OF 2015, THE CHILDREN'S PRODUCT SAFETY ACT OF
2015

Legislators TYNER, MACAVERY, FARLEY, STRAWINSKI, JETER-JACKSON,
IGNAFFO, and PERKINS offer the following and move its adoption:

RESOLVED, that the Legislature of the County of Dutchess adopt Local Law No. of
2015, which has been submitted this day for consideration by said Legislature.

NO FURTHER ACTION TAKEN IN 2015

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 13TH day of October 2015, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 13th day of October 2015.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

LOCAL LAW NO. OF 2015

RE: A LOCAL LAW AUTHORIZING THE CHILDREN'S PRODUCT SAFETY ACT OF
2015

BE IT ENACTED BY the County Legislature of the County of Dutchess, as follows:

Section 1. Legislative Intent.

The Legislature hereby finds and determines that there are chemicals of high concern for the environment and human health, as have been determined by many authorities, including the state of Maine Article 38 MRSA Chapter 16-D, *Toxic Chemicals in Children's Products*, as of September 1, 2011.

The Legislature finds that within this list of chemicals of high concern, several are known to be toxic and carcinogenic, including antimony, arsenic, benzene, cadmium, formaldehyde, lead, and mercury.

This Legislature finds and determines that many common children's products contain these toxic chemicals and known carcinogens.

The Legislature finds that antimony can cause respiratory and cardiovascular damage, skin disorders, and gastrointestinal disorders.

The Legislature finds that arsenic can cause skin lesion, cancer, developmental delays, neurotoxicity, diabetes, cardiovascular disease, and lung cancer.

The Legislature finds that exposure to benzene can cause harmful effects to the blood, a decrease in red blood cells, and causes cancer in humans.

The Legislature finds that cadmium can result in kidney disease, bronchiolitis, emphysema, and damage to the liver, lungs, bone, immune system, blood, and nervous system.

The Legislature finds that formaldehyde can cause respiratory damage, lung and nasopharyngeal cancer, nasal squamous cell cancer, gastrointestinal disorders, inflammation, and ulceration of the mouth, esophagus, and stomach.

The Legislature finds that lead can contaminate drinking water supplies and cause brain damage, hyperactivity, anemia, liver and kidney damage, developmental delays, and even death.

The Legislature finds that mercury can contaminate fish and other wildlife and cause damage to brain development, impacts on cognitive thinking, a decrease in fine motor and visual special skills, and muscle weakness.

This Legislature further finds and determines that several states, localities and the federal government are considering a ban on these seven chemicals in children's products; Westchester, Suffolk, Rockland, and Albany counties have already banned toxic toys.

This Legislature finds that, in the absence of such Federal and New York State enacted laws, Dutchess County is committed to protecting the environment and the public health and welfare of our County's infants and children whose growing bodies are vulnerable to the health hazards caused by these seven chemicals.

Therefore, the purpose of this local law is to protect infants and young children from their harmful health effects.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

A) "Children's Apparel" means any item of clothing that consists of fabric or related material intended or promoted for use in children's clothing. Children's apparel does not mean protective equipment designed to prevent injury, including, but not limited to, bicycle helmets, knee pads, or elbow pads.

B) "Children's Product" means any product primarily intended for, made for, or marketed for use by children. Children's product does not mean batteries, consumer electronics, paper products, or a drug, biologic, medical device, food, food additive regulated by the US Food and Drug Administration, or pesticide regulated by the United States Environmental Protection Agency.

C) "Children" means a person or persons aged twelve and under.

D) "Person" means any individual, public or private corporation, industry, co-partnership, association, firm, trust, estate, or any other legal entity whatsoever.

Section 3. Prohibitions.

A) No person shall distribute, sell, or offer for sale in the County of Dutchess a children's product or children's apparel containing mercury, antimony, or arsenic above 40 parts per million of total content per chemical.

B) No person shall distribute, sell, or offer for sale in the County of Dutchess a children's product or children's apparel containing lead above 100 parts per million of total lead content in accessible parts or above 90 parts per million in paint or any similar surface coating. This provision shall not apply to a children's product solely based on its containing an enclosed battery or enclosed electronic components.

C) No person shall distribute, sell or offer for sale in the County of Dutchess a children's product or children's apparel containing cadmium above 75 parts per million of total cadmium content.

D) No person shall distribute, sell or offer for sale in the County of Dutchess a children's product or children's apparel containing over a practical quantification limit of formaldehyde, as determined by the Dutchess County Health Commissioner.

Section 4. Enforcement.

This law shall be enforced by the Dutchess County Department of Health in accordance with the provisions of the Dutchess County Charter and Code.

Section 5. Authority to Promulgate Rules and Regulations.

The Commissioner of the Dutchess County Department of Health is hereby authorized and empowered to promulgate such rules and regulations as he or she deems necessary to implement this law. The Dutchess County Health Department shall initiate educational programs for consumers and retailers about the provisions of this law.

Section 6. Penalties.

Any person who knowingly violates the provisions of this law or reasonably should know that he/she is in violation of the provisions of this law shall be subject to an initial civil penalty of five hundred dollars (\$500) per violation of the law and a subsequent penalty of one thousand dollars (\$1,000) per violation.

No penalties shall be imposed by the Dutchess County Department of Health until a hearing is held by the Commissioner or his or her designee and the alleged violator is given an opportunity to be heard.

Section 7. Applicability.

A) The provisions of this title shall apply to chemicals in children's products sold or distributed as new and does not apply to used children's products that are sold or distributed for free at secondhand stores, yard sales, on the internet, or donated to charities.

B) This law shall not apply to protective sporting equipment designed to prevent injury, including, but not limited to, helmets, athletic supporters, knee pads, or elbow pads.

C) The requirements of this law shall apply to motor vehicles or their component parts, or off-highway motorcycles or their component parts, except that the sale of detachable car seats containing the chemicals antimony, arsenic, benzene, cadmium, formaldehyde, lead, or mercury, is not exempt.

D) This law shall apply to any and all actions occurring on or after the effective date of this law.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 9. Reverse Preemption.

This article shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Dutchess. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Section 10. State Environmental Quality Review Act compliance.

This County Legislature determines that the foregoing action constitutes a "Type II action" as said term is defined in the State Environmental Quality Review Act ("SEQRA"), and that no further action with respect to same is required under SEQRA.

Section 11. Effective Date.

This law shall take effect one year following its filing in the Office of the New York State Secretary of State.

CHILDREN'S PRODUCT SAFETY ACT OF 2015 (to ban toxic toys)

☒ No Fiscal Impact

FISCAL IMPACT STATEMENT

APPROPRIATION RESOLUTIONS

Total Current Year Cost (annual) \$ \$50,000 (note: not to be implemented until 2016!)
Total Current Year Revenue and Source: \$ \$50,000 (savings/revenue from Medicaid/tourism)

Source of County Funds (check one): Existing Appropriations

Contingency

Transfer of Existing Appropriations

Additional Appropriations

Other (explain)

Identify Line Item (s):

Related Expenses:

Nature of Expenses:

Anticipated Savings to County:

Net county Cost (this year):

(over five years):

Additional comments:

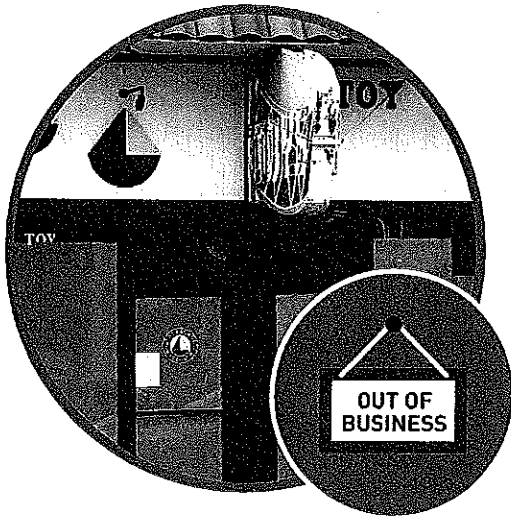
DCPOT
KRF Analyzet, staffing (1010 line) toys to test = \$50,000
\$35,000 + \$10,000 + \$5000

P-210 A.4010.29 line 4117
Environmental Supplies

(revenue savings from less Medicaid costs, increased sales tax revenue from tourism)
\$25,000 ↓ \$25,000

Fact: The Westchester, Rockland, and Suffolk County Legislatures all voted unanimously this year to ban toxic toys — Albany County too (even Rob Astorino signed this into law in Westchester) — let's not hold progress back in Dutchess!

COST
IS
NEUTRAL!



NEW YORK STATE & COUNTY GOVERNMENTS

are considering legislation that would
effectively ban the sale of toys in the state!

***The redundant legislation would be
ineffective, inefficient & illegal.***

Toys are already one of the most heavily regulated products in the United States. The industry is required to adhere to seven major federal laws and regulations that ensure the safety of toys sold anywhere in the United States:



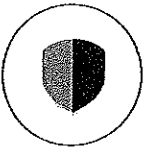
FEDERAL HAZARDOUS SUBSTANCE ACT

Covers consumer products intended for use or packaged in a form suitable for use in the household or by children.



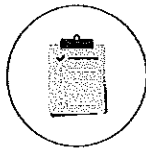
THE CHILD SAFETY PROTECTION ACT

Sets forth U.S. safety standards to prevent toy-related accidents including choking hazards and labeling requirements.



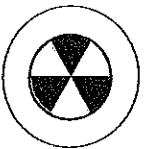
CONSUMER PRODUCT SAFETY ACT

Established Consumer Product Safety Commission – protects public from unreasonable risks of injury or death associated with the use of consumer products.



FEDERAL TOY SAFETY STANDARD (ATSM F963)

Mandatory requirement for all toys sets soluble limits on various materials, outlines mandatory test protocols and requires that toys undergo independent third party testing requirements.



CONSUMER PRODUCT SAFETY IMPROVEMENT ACT

Protects children from risk of exposure to toxic chemicals from children's products and toys.



THE TOXIC SUBSTANCE CONTROL ACT

Provides EPA authority to require reporting, record-keeping, testing requirements and restrictions relating to chemical substances and/or mixtures. Addresses production, importation, use, and disposal of specific chemicals.



LABELING OF HAZARDOUS ART MATERIALS ACT

Requires all arts and craft materials to undergo rigorous testing by a certified toxicologist prior to sale.

Implementing additional legislation will trigger an illegal and expensive process that does nothing to enhance consumer protections.

Morris, Carolyn

From: Cooper Finn Gallery [cooperfinngallery@gmail.com]
ent: Thursday, October 08, 2015 10:21 AM
To: County Legislators
Subject: To all legislators, particularly on the Governmental Services and Administration Committee

To the people who can actually change things for the better,

Please consider voting to ban toxic toys and microbeads from entering our county. Toys that have dangerous chemicals in their paint or construction find their way into the mouths of our children. The damage to them can be catastrophic. These toys eventually end up in our trash, landfills, or even get passed down from child to child endangering countless innocent individuals. The chemicals break down and leach into our soil and ground water with future problems.

Have we learned nothing from the PCB fiasco? The opportunity to prevent future harm is in your hands NOW. You can do something right!

Other municipalities have stepped up. How about ours? Vote to ban.

The microbead situation is just beginning to come into play. Now is a great time to be ahead of that crisis in the making. Vote to ban.

Bring this to a positive close; vote to ban both of these items to come into our county.

is time to help newcomers to our county by establishing a law to test for volatile chemicals whenever a property is sold. It will help the county find out just how serious a problem we have in our neighborhoods once and for all. The time has come for that legislation. Please pass that.

As a cancer survivor, I know how crucial it is to live in an environment that is free from harmful carcinogens. A simple notification that a plane was going to be spraying my area with pesticides or my neighbors was having that done just upstream from me might possibly have prevented my struggle with that dreaded disease that still claims hundreds of lives a DAY.

Again, just asking for notification so getting in furniture, tools, CHILDREN and PETS can be safely protected isn't much to ask. Keep in mind that more of the chemicals we put on our lawns don't stay there. They are carried into the house and are found on our rugs, where our pets sleep and our children crawl. Pass a notification law, please

Thank you

Judy Malstrom
Town of Clinton



NYPIRG SUPPORTS

LEGISLATIVE MEMORANDUM NO.: LL-2015 CONTACT: Russ Haven

PHONE 518 436 0876

RESOLUTION NO. 2015214, AUTHORIZING PESTICIDE NEIGHBOR NOTIFICATION

RESOLUTION NO. 2015216, REGARDING THE CHILDREN'S PRODUCT SAFETY ACT OF 2015

RESOLUTION NO. 2015238, REGARDING PROHIBITING THE SALE OF COSMETIC PRODUCTS CONTAINING MICROBEADS

SUMMARY OF PROVISIONS:

Resolution No. 2015214, Authorizing Pesticide Neighbor Notification would allow the Dutchess residents to join New Yorkers the dozens of other counties that pursuant to state law are required to receive timely notice when neighbors are having commercial pesticide applications.

Resolution No. 2015216, The Children's Product Safety Act would ban the presence of seven toxic metals in products primarily intended to be used by children up to age 12. The toxic metals covered are antimony, arsenic, benzene, cadmium, formaldehyde, lead and mercury. These chemicals cause or are associated with serious health and developmental consequences for exposed children, including cancer, organ damage and learning disabilities. The Department of Health would implement the law and is authorized to promulgate regulations to implement the law.

Resolution No. 2015238, Prohibiting The Sale Of Cosmetic Products Containing Microbeads, would ban the use of synthetic microbeads, which are used in personal care products as exfoliants, but have been documented to cause environmental harms, interfere with municipal sewage treatment control facilities and be persistent in the food chain.

STATEMENT OF SUPPORT:

These common-sense proposals follow actions on identical bills in other counties throughout the state and are examples of local governments exercising leadership in cases where Albany and Washington have failed to establish strong laws.

Most important, these proposals protect public health and the environment. Each takes a preventative approach to known, predictable hazards that are well documented. The Children's Product Safety Act would take a preventative approach to children's health by requiring manufacturers to remove or dramatically reduce the presence of toxic chemicals in products used by children in their everyday lives. The microbeads proposal seeks to require the makers of soaps, shampoos and other personal cleansers to use safe, quickly biodegradable products that do not present risks to the environment, aquatic life or water treatment facilities. And the pesticide notification law would allow parents, caregivers and pet owners to be forewarned and take actions they deem appropriate to protect themselves from pesticide drift and exposure.

NYPIRG URGES YOUR SUPPORT FOR THESE IMPORTANT BILLS.

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Empowering Communities, Advocating Solutions.

Comments on Local Law 216-2015

Dutchess County Legislature

Poughkeepsie, NY

October 8, 2015

**Testimony by Jordan Christensen, Program Coordinator
Citizens Campaign for the Environment**

My name is Jordan Christensen and I represent Citizens Campaign for the Environment (CCE). CCE is an 80,000 member non-profit, non-partisan advocacy organization that works to protect public health and the natural environment. **CCE has worked for 30 years to protect New York residents from exposure to toxic chemicals and we strongly support this legislation.**

According Washington State Dept. of Health's, over 5,000 children's products contain chemicals of high concern. Toxic chemicals used in children's products have links to cancer, reproductive problems, learning disabilities, and chronic health problems. Children are especially vulnerable to these chemicals due to their small size and developing bodies. Researchers estimate that children can ingest ten times as much of these chemicals as adults due to their proximity to the ground, and their tendency to put their hands and other objects in their mouths. There is no reason for these toxic chemicals to be allowed in children's toys, clothes, jewelry, furniture, or other products. Manufacturers that willingly and knowingly utilize toxics in items designed for children should find a STOP sign at the boundary of the Dutchess County line. Tolerating toxics in toys is not supported by the public and should not be supported by our elected representatives.

Some of the most worrisome chemicals found in children's products are formaldehyde, benzene and heavy metals, which cause significant harm to human health and the environment.

- **Formaldehyde** is listed as a probable human carcinogen, with links to lung and nasopharyngeal cancer.
- **Benzene** is among the 20 most widely used chemicals in the United States. It is a known carcinogen with links to childhood leukemia and other blood related cancers, as well as damage to bone marrow and the immune system.
- **Lead** is particularly dangerous to children six and under, and even low levels of lead exposure can result in behavior and learning problems, lower IQ, hyperactivity, slowed

growth, hearing problems, and anemia. In rare cases, ingestion of lead can cause seizures, coma and even death.

- **Mercury** damages the gastrointestinal tract, the nervous system, and the kidneys, as well as causing muscle weakness and memory loss. In addition, mercury raises concerns for wildlife and is a common contaminant found in fish.
- **Antimony** exposure can cause long term damage to the lungs and heart and can cause stomach ulcers.
- **Arsenic** has been linked to cancer of the bladder, lungs, skin, kidneys, nasal passages, liver and prostate.
- **Cobalt** affects the lungs, causing respiratory irritation, wheezing, asthma, pneumonia, and emphysema.
- **Cadmium** can cause cancer, emphysema, bone disease, and kidney damage. In addition, Cadmium is an endocrine disruptor and cause genital deformities and contribute to reproductive problems in men.

Children are not only exposed to toxic chemicals directly through toys, clothes, and furniture; they are also exposed to many of these chemicals in the environment. Some chemicals in children's products are released over time and bind to dust particles in the air, and other chemicals of high concern have been found in our drinking water sources. Banning the worst offenders from children's products is just common sense.

It is irresponsible to continue allowing children to be unnecessarily exposed to dangerous chemicals through their toys and clothes. Other counties throughout the state, including Albany, Westchester, and Suffolk Counties, have enacted similar legislation in an effort to protect children's health and our environment. **CCE urges the Legislature to pass Local Law 216 and ban these harmful, carcinogenic chemicals from children's products immediately.**

Thank you.

Memorandum in Support

Dutchess County Children's Product Safety Act

Clean and Healthy New York strongly supports passage of The Children's Product Safety Act, to protect infants and children from unnecessary exposure to harmful toxic chemicals.

According to recent reports, toys and other children's products for sale in upstate counties including Albany and Westchester contain dangerous toxic chemicals. The health risks to children these chemicals pose include cancer, lower IQ scores, learning disabilities, and reproductive damage. Dutchess County must protect our children and families.

In addition to protecting the health of our children, promoting safer products in Dutchess County makes good economic sense. Inaction costs Dutchess County plenty. Pediatric diseases of environmental origin, such as obesity, learning and developmental disabilities, asthma and pediatric cancer cost New York \$4.35 billion annually, according to Mount Sinai School of Medicine. Medicaid costs alone are staggering. In effect, the chemical industry is externalizing their costs onto every other segment of the economy, and that has got to stop.

There is a wealth of scientific data that links toxic chemicals to learning disabilities, a condition with lifelong consequences. Not only does it impact the individual, family and community, but several other segments of the economy. The burden to our educational system to support students with special needs is enormous and growing. There are costs to our justice system, in which one finds a disproportionate number of people with learning and developmental disabilities. People with learning disabilities experience statistically more unemployment, incarceration, high-school dropout rates, and teen pregnancy.

Further, toxic chemicals contribute to rates of pediatric cancer, which is still on the rise. Even when children are "cured" they often suffer lifelong consequences from the treatment that saved their lives. The worst diagnosis a Dutchess County parent can receive from a medical professional is "your child has cancer."

There will be no job loss or empty store shelves as a result of restricting toxic chemicals in children's products. Priority chemicals manufactured in New York are not used in children's products. According to Environmental Defense Fund's report "*Toxics Across America*," only a

handful of New York companies produce or import the chemicals banned in the Children's Product Safety Act. Those who do, do not use them for children's products. For example, benzene is made in New York as an additive to gasoline. Precision Cast Parts uses cobalt, but not for children's products. Therefore, Dutchess County's economy will not be harmed by this program.

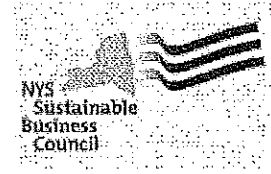
In addition, safer products on store shelves in Dutchess County will bring consumers from other local communities to shop in Dutchess County stores and malls, bringing business and tax dollars to the county.

Clean and Healthy New York urges the Dutchess County Legislature to pass The Children's Product Safety Act. Protect our children AND our economy.

Clean and Healthy New York, a statewide advocacy group with thousands of supporters that works for safer chemicals, a sustainable economy and a healthier world, strongly supports this legislation.

Children's Product Safety Act

MEMORANDUM IN SUPPORT



**Dutchess County Legislature Government Services and Administration Committee Meeting
Thursday, October 8, 2015**

As business owners we would like to add our support in favor of the Children's Product Safety Act. The NYS Sustainable Business Council is an emerging alliance of business organizations and individual businesses from around the state, that along with our member groups represent over 1,000 independent and small businesses that believe we do not have to choose between profitability and public health or jobs and the environment. We appreciate the Dutchess County Legislature for taking the time to focus on the prevalence of hazardous chemicals in children's products.

The market is shifting and independent small business owners cannot compete. More and more consumers are demanding that toxic chemicals be eliminated from everyday products. Large companies like Walmart, Target and buybuyBABY are responding to this consumer demand, but small business owners do not have the same resources, knowledge or time to research for themselves what chemicals are in products, what hazards they pose, and identify alternatives. As global and domestic markets respond, the competitiveness of New York's companies will depend on their capacity to deliver less toxic products.

Since chemical manufacturers are not currently required to develop even basic safety data for their chemicals, the onus of research on ingredients used up and down the supply chain is on the downstream user, oftentimes a small business owner who interfaces with the product end user, like a children's toy store owner or daycare provider. Because of the lack of adequate hazard information publicly available, these business leaders must blindly make product selection decisions as there is no way to determine toxicity by looking at products. Reports of unsuspecting items, such as a breast cancer bracelet or Matchbox car, containing hazardous chemicals erodes consumer confidence, and companies with the ability to ensure they only carry or use products containing safe chemicals will have an advantage.

There is widespread small business owner support for safer chemicals and stricter regulations. The marketplace is designed by manmade policies and mechanisms that reward certain practices and discourage others – now is the time to modernize the chemical regulatory framework to work towards limiting the use of chemicals that poison children and workers. National polling of small business owners across party lines revealed:

- 90% believe chemical manufacturers should be held responsible for ensuring their chemicals are safe
- 75% support stricter regulation of chemicals used in everyday products
- 73% support government regulation to ensure the products companies buy and sell are non-toxic

Children's Product Safety Act

MEMORANDUM IN SUPPORT



Better regulatory oversight of chemicals will improve transparency, limit liability, and reduce exposures. Our business members are concerned about costs and risks, including potential liability for providing products containing toxic chemicals. Improving transparency and communication throughout the supply chain will lead to increased confidence for downstream users and reduced supply chain interruptions. It will also increase trust among consumers, employees, communities, and investors. Efforts to identify and remove toxic chemicals from the marketplace will lower costs from chemically induced employee illness and enhance productivity with healthier employees. And future generations of workers, that New York will have to support, are being exposed to toxic chemicals that cause cancer, asthma, autism and other learning and developmental disorders, and reproductive problems.

Politics at the federal and state level have stalled meaningful chemical reform. It's time communities begin taking this into their own hands, and I commend the Dutchess County Legislature for considering taking action to protect kids and provide the information small business owners want and need to make responsible choices. We need elected officials to lead this effort, and not depend on voluntary efforts, to level the playing field for small businesses. I strongly urge you to pass the Children's Product Safety Act.

The foregoing Resolution No. 2015216, The Children's Product Safety Act of 2015, was laid on desks on August 10, 2015, offered for discussion only on September 8, 2015, at the Government Services and Administration Committee, and tabled at the Government Services and Administration Committee on October 8, 2015.

No further action was taken on this resolution in 2015.

Government Services and Administration Roll Call

<i>District</i>	<i>Name</i>	<i>Yes</i>	<i>No</i>
District 8 - City and Town of Poughkeepsie	Rolison*	absent	
District 6 - Town of Poughkeepsie	Flesland*		
District 13 - Towns of LaGrange, East Fishkill, and Wappinger	Bolner*		
District 10 - City of Poughkeepsie	Jeter-Jackson*		
District 16 - Town of Fishkill and City of Beacon	MacAvery*	absent	
District 12 - Town of East Fishkill	Weiss (VC)		
District 14 - Town of Wappinger	Amparo		
District 17 - Town and Village of Fishkill	Miccio		
District 20 - Town of Red Hook	Strawinski	absent	
District 22 - Towns of Beekman and Union Vale	Hutchings		
District 23 - Towns of Pawling, Beekman and East Fishkill	Thomes		
District 24 - Towns of Dover and Union Vale	Surman (C)	absent	

Present: 8
 Absent: 4
 Vacant: 0

Resolution: ✓
 Motion: ✓

Total : 8 0
 Abstentions: 0 Yes No

D) Bolner moved to
table GH

2015216
 10.8.15

On motion by Legislator Weiss, duly seconded by Legislator Bolner and carried, the Rules were suspended to allow the public to address the Legislature on agenda and non-agenda items.

Carol Madrid, 40 Manitou Stree, Poughkeepsie, urged the Legislature to find an abandoned building and use the county surplus to house the homeless and serve meals.

Constantine Kazolias, Poughkeepsie, spoke regarding the IDA projects not paying their fair share of the payment in lieu of taxes.

No one else wishing to speak, on motion by Legislator Weiss, duly seconded by Legislator Bolner and carried, the Regular Order of Business was resumed.

There being no further business, the Chairman adjourned the meeting at 8:34 p.m.